Fourteenth Loksabha

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Participants : Bhardwaj Shri H.R.,Deo Shri Bikram Keshari,Rao Shri Kavuru Samba Siva,Yerrannaidu Shri Kinjarapu,Radhakrishnan Shri Varkala,Singh Shri Mohan,Ajnala Dr. Rattan Singh,Kader Mohideen Shri K.M.,Mahtab Shri Bhartruhari,Badnore Shri Vijayendra Pal Singh,Venkatswamy Shri G.,Reddy Shri Suravaram Sudhakar,Naik Shri Dharavath Ravinder,Babu Rao Shri Mediyam,Kumar Shri Shailendra,Owaisi Shri Asaduddin,Swain Shri M.A. Kharabela,Bhardwaj Shri H.R.

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Title : Discussion on the motion for consideration of Andhra Pradesh Legisltive Council Bill, 2004.

MR. SPEAKER: Now, we will take item No.20. Shri H.R. Bhardwaj.

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): I beg to move:

"That the Bill to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto, be taken into consideration."

Sir, the Andhra Pradesh Legislative Council Bill, 2004 seeks to provide for the creation of Legislative Council in the Legislature of the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

The Legislative Assembly of Andhra Pradesh passed a Resolution on 8th July, 2004 in terms of Article 169 (I) of the Constitution for creation of a Legislative Council in that State. In this connection, it may be stated that a Legislative Council existed in the State of Andhra Pradesh prior to 1985, which was abolished with effect from 1st June, 1985. Thereafter, on the basis of a resolution passed by the Andhra Pradesh Legislative Assembly for revival of the Legislative Council in the State, a Bill to the effect – containing certain similar provisions for the State of Tamil Nadu also – was introduced in the Rajya Sabha on 10.05.1990 and passed by that House. This Bill, however, lapsed on the dissolution of the Ninth Lok Sabha. The State Government of Andhra Pradesh later withdrew its request for the revival of the Council.

The Present Bill seeks to provide for creation of a Legislative Council in the State of Andhra Pradesh with a total strength of 90 Members, 31 of which are to be elected by the local authorities, 8 each are to be elected by the Graduates and Teachers Constituencies, 31 by the Legislative Assembly and the remaining 12 are to be nominated by the Governor. The local authorities being represented in the

Legislative Council are Municipal Corporations, Municipalities, Nagar Panchayats, Cantonment Boards, Zila Parishads and Mandal Praja Parishads.[r42]

The constitution of the Legislative Council is, therefore, the same as it had existed prior to its abolition, except for the local bodies constituting the local authorities' constituency.

The Andhra Pradesh Legislative Council Bill, 2004 introduced in the Lok Sabha on 16th December, 2004, was referred to the Departmentally-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The Committee laid its report in Parliament on 24th March 2005 in which it favoured the Bill and recommended to have a re-look on the issue of enrolment of primary teachers in teachers' constituencies. In this context, it may be added that the issue of providing voting rights to Primary School Teachers in the Legislative Council has been under consideration since 1957 but no decision has been possible in the absence of consensus among the concerned bodies, namely, the States having Legislative Councils and Central Advisory Board of Education. The Government, therefore, is not accepting the recommendation and is proceeding with the Bill as suggested by the Resolution of the Legislative Assembly.

Sir, with these words, I commend this Bill for the consideration of this House.

MR. DEPUTY-SPEAKER: Motion moved:

> "That the Bill to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto, be taken into consideration."

SHRI BIKRAM KESHARI DEO Mr. Deputy-Speaker, Sir, the Bill, which is going to be passed for the formation of the Andhra Pradesh Legislative Council, is a welcome measure.

Accordingly, the Andhra Pradesh Assembly also passed a Resolution that the formation of the Council is necessary in the State of Andhra Pradesh. Therefore, the hon. Law Minister has brought in this Bill for formation of the Andhra Pradesh Legislative Council.

The constituencies will be the Municipal Corporations, Municipalities, Nagar Panchayats, Cantonment Boards, Zila Praja Parishads and Mandal Parishads, and from these constituencies the members will be elected and the Council will be formed. But was it really necessary to form this Council which has been mooted? It is because by passing this Bill and by forming the Council, it should not just be a Council to dole out favours to the politicians who have been denied Assembly tickets in the House. The Legislative Council should not be primarily a place for hosting and placing all the rejected candidates, whoever have been rejected in the elections.

So, here I would like to say that let it be a true legislative body like the Rajya Sabha which we call the Upper House so that proper debate could be carried out for the development and betterment of Andhra Pradesh. Today I was reading a report that one-man judicial probe by one Mr. Reddy has been ordered into the suicide deaths in Andhra Pradesh. He has said that the previous Government is responsible for the suicidal deaths in the State of Andhra Pradesh. He has said that because of non-building of water tanks, non-digging of tube wells and because of stopping of the *ex-gratia* payment to the farmers whose tube wells failed, deaths have taken place. So, these problems of the State could be hammered out in the newly formed Andhra Pradesh Legislative Council, and thereby, I think the people of Andhra Pradesh will be able to get some justice[m43]. It might be any Government but our commitment to the people must be there. What we say in the manifestos should be implemented for the people.

Now, Sir, they have come up, the UPA Government have struck a deal with the Telangana Party or with Mr. Chandra Shekhar Rao, saying that they will form a Telangana State. I think no action has been initiated till date. Now, to satisfy or to satiate the political wishes of the left out Congress workers of Andhra Pradesh, this Bill has been brought to satisfy them. Our Party, the BJP and the NDA believed in the smaller States. We made three new States – Chhattisgarh, Uttaranchal and Jharkhand - which was a commitment to the people, and we did that. Now, we would like to see the commitment of the UPA Government… (*Interruptions*) How much commitment they have got for the formation of Telangana State that is totally neglected. It is a neglected region. … (*Interruptions*)

MR. DEPUTY-SPEAKER: No running commentary please.

SHRI BIKRAM KESHARI DEO : I come from a neglected region. It is the Kalahandi where a KBK programme is going on to uplift the poorer people there. In that State, some action oriented programme should be taken up. I hope and believe that our Constitution has provided for the formation of Legislative Councils. I hope, after the formation of Andhra Pradesh Legislative Council, the people of Andhra Pradesh will be able to get some justice. I request the Treasury Benches and the present Government of Andhra Pradesh to send proper candidates with commitment to the people. It should not be a place of political patronage. … (*Interruptions*)

MR. DEPUTY-SPEAKER: I have not received any notice.

… (*Interruptions*)

SHRI K.S. RAO Sir, basically, we are a Federal Union and a Union of all States. States are free to make their own laws in certain aspects. States are free to make their own laws in certain areas, their own decisions, planning and the programming as has been provided in the Constitution. While framing the Constitution, the framers of the Constitution said that there has to be a second Chamber. There can be a second Chamber and the States are at liberty to choose it depending upon their needs. So, the second Chamber wherever is constituted is not anything out of the way. It is as decided by the framers of the Constitution itself.… (*Interruptions*)

SHRI BRAJA KISHORE TRIPATHY (PURI): Then why had you dissolved it in 1985?… (*Interruptions*)

SHRI K.S. RAO : Do you not have patience to listen?… (*Interruptions*) You want to be told everything in one word. … (*Interruptions)* Have patience, I will tell you.… (*Interruptions*)

MR. DEPUTY-SPEAKER: Please do not disturb.

… (*Interruptions*)

SHRI K.S. RAO : He does not know the history. I will tell him.… (*Interruptions*)

SHRI BRAJA KISHORE TRIPATHY : You were in power at the Centre. …. (*Interruptions*)

MR. DEPUTY-SPEAKER: No running commentary please.

… (*Interruptions*)

SHRI KHARABELA SWAIN (BALASORE): When Congress was having 415 Members in the Parliament … (*Interruptions*) at that time then how do they say that they had opposed it at that time?… (*Interruptions*)

MR. DEPUTY-SPEAKER: No. Swainji, that is not the way. You and your Party will get a chance to say your side.

… (*Interruptions*)

SHRI K.S. RAO : The second Chamber in Andhra Pradesh was functioning extremely well. But in 1983, when the TDP Government came into power, it was almost ruled like an autocratic State and not a free democratic State. The Leader of the State… (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): The great, Shri N. T. Rama Rao was the Chief Minister of Andhra Pradesh.… (*Interruptions*)

DR. M. JAGANNATH (NAGAR KURNOOL): It was a democratic and elected Government.… (*Interruptions*) How can you say that?… (*Interruptions*) He should withdraw that part.… (*Interruptions*) People voted us to power.… (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will be recorded except the speech of Shri K.S. Rao.

(Interruptions) ...

MR. DEPUTY-SPEAKER: I will give you time.

… (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will go on record.

(Interruptions) ... *

SHRI K.S. RAO : You say whatever you want to say.… (*Interruptions*)

DR. M. JAGANNATH : He should withdraw that part.… (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will go on record.

*(Interruptions) ... **

SHRI K.S. RAO : In those days, the majority in the State Legislative Council was of the Congress Party[t44].... (*Interruptions*)

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* Not Recorded.

SHRI KINJARAPU YERRANNAIDU : Mr. Deputy-Speaker, Sir, you delete that word. My friend can criticise the Telugu Desam Government but he should withdraw those words. … (*Interruptions*)

MR. DEPUTY-SPEAKER: I would see later on. If that is objectionable, that would be expunged.

… (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU : Thank you, Sir.

PROF. RASA SINGH RAWAT (AJMER): He has used highly objectionable words. … (*Interruptions*)

SHRI K.S. RAO : The TDP Government at that time could not reconcile to the majority of the Congress Party in the Council. … (*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down.

… (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing other than the speech of Shri K.S. Rao should be recorded.

*(Interruptions) ... **

SHRI K.S. RAO : They had a fear that if a Bill were passed in the Legislative Assembly and referred to the Council, they would face some difficulty. They were not in a position to reconcile with even a little criticism if there were to be something wrong or if there were to be some differences. Having not been able to reconcile with even a little cricitism in the Council, which was also a Constitutional organ, they decided to abolish it. They made a challenge that they would abolish the Council and see that there was no criticism from that side. … (*Interruptions*)

MR. DEPUTY-SPEAKER: This is not the way.

… (*Interruptions*)

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* Not Recorded.

MR. DEPUTY-SPEAKER: Nothing should be recorded except the speech of Shri K.S. Rao.

*(Interruptions) ...**

SHRI K.S. RAO : The majority was with the TDP in the Andhra Pradesh Legislative Assembly. They made a Resolution to abolish the Council in 1985 and referred it to Parliament. In Parliament, in the Lok Sabha, in 1985, there used to be 415 Members from the Congress Party. … (*Interruptions*)

MR. DEPUTY-SPEAKER: You have only four or five more minutes at your disposal.

SHRI K.S. RAO : Having respect for the decision made by the majority of the Legislative Assembly of Andhra Pradesh, the then Prime Minister Shri Rajiv Gandhi, in spite of having absolute majority here, which was more than four-fifth, said that we should respect their desire and we should respect their Resolution. He said that there need not be any discussion, in spite of the fact that the Congress Party in Andhra Pradesh was totally against the dissolution. Still he said that we should pass the Bill without any discussion and their own Members supported it.

The then Leader of the Telegu Desam Parliamentary Party, Shri Madhav Reddy had expressed his gratitude. He expressed his happiness and gratitude to the Government for 'accepting the wishes of the Government of Andhra Pradesh.' It is on record in this House.

SHRI KINJARAPU YERRANNAIDU : There is nothing wrong in that.

SHRI K.S. RAO : Yes, there is nothing wrong. We appreciate that. You must also have the same mindset.

SHRI KINJARAPU YERRANNAIDU : Since it was abolished, they need not have again passed a Resolution and sent it to the Government of India to take approval from Parliament. The people of Andhra Pradesh might not give you the mandate every time. … (*Interruptions*)

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* Not Recorded.

SHRI K.S. RAO : Sir, he is taking half of my time. … (*Interruptions*)

Shri Ayyapu Reddy expressed his thanks to Rajivji, the then Prime Minister for responding to the wishes of the people and respecting the Resolution passed by the Andhra Pradesh Assembly. … (*Interruptions*)

In spite of the fact that we had got 415 Members, we had respected their Resolution and also the wishes of the people. Now, the Congress Government which has got 185 Members; whereas the TDP has got 44 Members. They have made a Resolution in the Assembly with 207 Members in favour of it and only 44 Members from the Telugu Desam, but no other Member, opposed to it[r45].

In this background this is to be seen. This is also in spite of the fact that the Congress Government did not do it all of a sudden. Even before it went to the polls they made a promise. It was incorporated in the manifesto that 'once we get elected we will get this Council'. So, there is nothing out of the way. As the hon. Member from the BJP was telling, it was not an after-thought. It was not to bring only those persons who were rejected by the people or to dole out any favour to somebody. It is an election promise, a committed thing.

Presuming that what he said is right, today are they prepared to leave all the 90 seats to the Congress Party? Even now out of the entire 90 seats in the Council, only 31 will come from the Assembly and even out of these 31, the maximum we may get is 19 and the balance 12 seats will once again go to the Opposition. The hon. Member from the BJP says that the other 31 seats

will be from municipalities, Panchayats, Mandal Presidents and Zilla Parishads etc. and all those things. He says that the people are against the Congress Government and tomorrow if you go to the polls in the local Board elections they will get majority. If they were to be so confident, why not they get it tomorrow? … (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU : The Council has no power in that. … (*Interruptions*)

MR. DEPUTY-SPEAKER : Shri Yerrannaidu, when your turn will come, you can say whatever you like. I would request you not to disturb when he is speaking.

SHRI K.S. RAO : The comment of the BJP has no value because if we were to dole out all the 90 seats, yes, he can make that comment. But once again opportunity is given to all of them. Every Party can definitely go to the people and say it in Parishads, in Municipalities and in Graduates constituencies. The most important section in the society is the learned people, that is teachers and graduates who want a representation to represent their own issues and problems and get the Acts made to favour them. What do they want to favour? They want to favour the development of the nation. So, nothing is going to be one-sided. It is for everybody to decide tomorrow. Why should they make so much fuss about it? That means they have no respect for the wishes of the people. They have no respect for the resolution passed in the Assembly by a majority? If that be so, then we would not have allowed it to be abolished at all. They must understand this much.

MR. DEPUTY-SPEAKER : They have the right to say something in the House.

SHRI K.S. RAO : Yes, Sir. I quote some instances. In 1962 the great, respected leader of Tamil Nadu, late Annadurai was defeated in the 1962 election; but later, in 1967 he won the election to the Lok Sabha; but he became a Member of the Legislative Council and became a Chief Minister. Similarly, late Rajagopalachari, in 1952, became the Chief Minister from the Legislative Council.

MR. DEPUTY-SPEAKER : Please conclude now.

SHRI K.S. RAO : That means, on some occasion, when we have got eminent personalities whose services are required, whose intelligence is to be utilised, whose capacities are to be utilised, then there is nothing wrong in having a second Chamber. Even they can bring such people tomorrow if they were to come into power. It cannot be attributed to any Party. We did not make any allegation.

MR. DEPUTY-SPEAKER : Please conclude now.

SHRI K.S. RAO : We did not make any allegation about them. The hon. Member from the BJP was telling that they are for small States. If they were to be really for small States what came in their way in going hand in hand with the TDP which was for integrated State? The TDP was opposing tooth and nail the separate Telangana. But then they made an association with them. What kind of morals do they have? What kind of ethics do they have? What kind of principles do they have? … (*Interruptions*)

SHRI BIKRAM KESHARI DEO : Sir, this is not correct. We have started the process. … (*Interruptions*)

MR. DEPUTY-SPEAKER : You cannot advise them.

… (*Interruptions*)

SHRI K.S. RAO : Every politician wants to be like that. They want to get a favour out of it. They want to criticise whenever an opportunity comes. When they come to power they forget all these things. I do not want to take too much time.

Even in 1990 when the Congress Government had come to power in Andhra Pradesh, they made a resolution and it was first referred to the Rajya Sabha. In the Rajya Sabha it was passed to revive the Council. The CPI(M) Member at that time, Shri Moturi Hanumantha Rao said – "Though we are in principle opposed to it, but we honour the resolution passed by the State Government. We are not against it." When they made such a statement, could they not – either the BJP or the TDP - understand this much?

I wish that the other Members also would be very reasonable in the discussion. It is not for any personal favour. It is not to give any favour to any individual. All Parties can do that. The genuine people, intelligent people and competent people can be brought into the Council.

I wholeheartedly support this Bill and I wish this will go without much acrimony and allegations and long discussions in the House.

SHRI KINJARAPU YERRANNAIDU Mr. Deputy-Speaker, Sir, my party opposes in principle the Bill brought to revive the Andhra Pradesh Legislative Council. The Statement of Objects and

Reasons given by the hon. Law Minister is not convincing.

In our country, more than 20 States have no second Chamber, that is, Legislative Council. Only four States have Legislative Councils - Karnataka, Bihar, Uttar Pradesh and Maharashtra. One more Council is in Jammu and Kashmir as per their own Constitution. We cannot take it as the fifth State. According to the Constitution of India, there is no binding on the Government of India, there is no binding on the Parliament and there is no constitutional obligation also. This is merely a recommendation of a particular State. So many States have made such recommendations. In the year 1976, the Punjab Government had passed a resolution in the Punjab Legislative Assembly, recommending it to the Government of India, but till today there is no reaction from the Government of India. So many Governments have come in the meanwhile since 1976 till today.

Ever since the Legislative Council was abolished by late Shri N.T. Rama Rao in the year 1985, our party's stand is very clear. Even the Congress Party came to power in Andhra Pradesh and they made the recommendation twice and passed the resolution. At that time also, my party had opposed it *in toto* and pressed for division in the Legislative Assembly.

What is the role of the Legislative Council? There are no powers given to the Legislative Council. It is only an advisory body. Even the Upper House, Rajya Sabha, can reject any legislation, but the Legislative Council can only give advice; they cannot reject. Even their suggestions may not be accepted by the concerned State Assembly. That is only the sixth finger. There will be lot of burden on the State Exchequer.

There is a lot of pressure from the Congress Party cadres as they had mentioned it in their election manifesto also. The present Bill is politically motivated. … (*Interruptions*)

MR. DEPUTY-SPEAKER: Do not disturb now.

SHRI KINJARAPU YERRANNAIDU : Mr. Deputy-Speaker, Sir, the present Bill is politically motivated to accommodate those who could not get seats in the last election. That is the prime motto of the Congress Party. … (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing except the speech of Shri Yerrannaidu is to be recorded.

*(Interruptions) ...**

SHRI KINJARAPU YERRANNAIDU : They are reviving it to accommodate those who could not win over through direct elections. They want to accommodate those people who were defeated in the recent Assembly elections. The Council would be dumped with the representatives of the vested interests to enable them to become members of the Council of Ministers. If the Chief Minister or somebody is interested to make some particular person a Minister and he has not won in the direct election, they would nominate him to the Legislative Council through the backdoor and make him a Minister in the Council of Ministers. … (*Interruptions*)

उपाध्यक्ष महोदय : श्री राव, मैंने आपकी स्पीच के बीच में उनको बोलने के लिए अलाउ नहीं किया और जो उन्होंने कहा, वह मैंने एक्सपंज करा दिया। इसलिए मैं आपसे चाहूंगा कि आप भी उनको सुनने की कोशिश करें।

SHRI KINJARAPU YERRANNAIDU : Mr. Deputy-Speaker, Sir, you go through the debates of the Constituent Assembly. With regard to the retention of the second Chamber, Dr. B.R. Ambedkar had clarified in the Constituent Assembly and said :

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* Not Recorded.

"All that we are doing by this Constitution is to introduce the second Chamber purely as an experimental measure. We have not, by the draft Constitution, given the second Chamber a permanent place. We have not made it a permanent part of our Constitution. It is a purely experimental measure, as I said, and there is a sufficient provision…. for getting ride of the second Chamber."

Andhra Pradesh Legislative Council was created in the year 1957 by Act 37 of 1957[reporter46]. After so many years, we felt that the second Chamber is of no use. This is an additional burden on the State's exchequer. This is meant to create employment for the politically unemployed people. That is why we decided to abolish the Council.

The retention of Second Chamber was extensively debated by the Constituent Assembly. Shri Kuladhar Chaliha considered that 'A second chamber is nothing but a clog in the way of progressive legislation'. Suppose you want to make a progressive legislation in the Andhra Pradesh Legislative Assembly, even though the Legislative Council does not have any legislative power, after passing of the Bill when you refer the measure to the Legislative Council they may

keep it for a month, two months, or three months without having any power. What happens to that progressive legislation during that time? That is why we decided to abolish the Legislative Council.

I would like to quote what a member of the French Constituent Assembly once said. He said, 'The law is the will of the people and the people cannot have two wills on the same subject. When there are two Chambers, discord and divisions will be inevitable and the will of the people will be paralysed by inaction.'

So many instances are there. In the year 1985, the present Law Minister was the then Law Minister who moved the Bill for abolition of the Andhra Pradesh Legislative Council. The same Minister is now moving this Bill for creation of the Legislative Council of Andhra Pradesh. … (*Interruptions*)

Mr. Deputy-Speaker, Sir, I would like to pose one question to the hon. Law Minister. The party he belongs to claims itself to be a national party. If that party is in favour of creation of Legislative Council in Andhra Pradesh, they should follow the same principle in the case of all the States which are under the Congress rule. If it is correct that the State will progress by the creation of the Legislative Council, this is very good, people can be accommodated and they will play a vital role in the process of legislation, why do they not create Legislative Councils in all the States which are under their rule? This is a dual policy. This is not at all correct. A national party should play a national role. There should be a debate on the existence of a second Chamber in the States.

When you go through the history you will see that the Tamil Nadu Legislative Council was abolished in 1969. The West Bengal Legislative Council was abolished in 1969. The Punjab Legislative Council was abolished in 1969. There are many instances in the country.

Once a Legislative Council was abolished with the approval of Parliament, nowhere in the country it was again proposed to be created. This is the first time that the Congress led UPA Government is moving this Bill to create Andhra Pradesh Legislative Council.

My party opposes this move in toto. … (*Interruptions*) This is a politically motivate move. The second Chamber will remain a political rehabilitation centre. It will not serve any useful purpose. This is just a sixth finger which does not have any use. This will put a lot of burden on

the State's exchequer. The people of the State do not want creation of a Legislative Council in Andhra Pradesh. My party opposes this Bill in toto…. (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will go on record.

*(Interruptions) …**

SHRI KINJARAPU YERRANNAIDU : Why I mentioned the Resolution of Punjab Legislative Assembly was, my good friend Shri K.S. Rao was saying that we have to give respect to the State Assembly and people of that particular State. What happened to the Punjab Legislative Assembly Resolution, I ask him through you, Sir.

MR DEPUTY-SPEAKER: Shri Radhakrishnan, you have only five minutes.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): If that is the case, I will not speak.

SHRI KHARABELA SWAIN : Sir, this is a very important subject. Please allow him[KMR47].

MR. DEPUTY-SPEAKER: Let him speak.

* Not Recorded.

SHRI VARKALA RADHAKRISHNAN If there is no interruptions, I will speak. I want a patient hearing. I am a person who is following the provisions of the Constitution. On that basis I oppose this Bill, not on any party politics. I am not speaking on party politics. What transpired in 1985 or prior to that, I am not basing my speech. I am basing the argument purely on ethics.

Now, I must submit, first of all, that I come from a State where there was bicameral legislature - Srichitra - Legislative Council and Srimoolam - Legislative Assembly. It was abolished prior to Independence. Prior to the Kerala Assembly, it was bicameral. After Independence, when our Constitution was under promulgation, Dr. Ambedkar was very particular about giving a bicameral parliamentary legislature here, just like the Westminster - House of Lords and House of Commons. So also we have Lok Sabha and Rajya Sabha.

India is a vast country. We have different cultures, different languages and it is quite nature that all sections could not be represented in the House of the People because Members are elected through direct elections. All the interests and cultures could not be represented in Parliament as a Federal State has a very big area. Dr. Ambedkar thought it proper to have an Upper House, Rajya Sabha with the best of intentions for giving representation to all communities. Nominations process was also allowed. There was no nominations in Lok Sabha except for Anglo-Indian community. That was the purpose. Moreover, it was given powers also. Except in the financial matters, in all other matters, they are both equal and they deal with the same matters. So, that was essential. If Rajya Sabha is having a role to play as per the provisions of the Constitution, here it is a case where we are creating a legislature, a council. For what purpose? I do not know. The Minister did not explain.

While I touch this topic in the first place, I must mention about the speech made by Prof. M. Ramadass sometime before. It was on a very important topic. We had passed the Seventy-third and the Seventy-fourth amendments to the Constitution making it mandatory that there shall be elections to the local bodies. He has told me that for the last 38 years, there was no elections in Pondicherry, which is a Union Territory. The Law Minister is liable. He will have to answer this question. If I could say, he will be …..* for violating the provisions of the Constitution. With due respect to Rajiv Gandhi, whom he follows, and who had passed a Statute making it

mandatory to have elections to the local bodies and that too within five years, for the last 35 years, no elections had been held in Pondicherry. Are we not ashamed of bringing this Bill for creating?

उपाध्यक्ष महोदय : वह वर्ड मैंने एक्सपंज कर दिया है।

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): Do not use such words. You are an elderly Member. … (*Interruptions*)

MR. DEPUTY-SPEAKER: No, I have expunged it.

… (*Interruptions*)

SHRI H.R. BHARDWAJ: You have no right to speak like that. … (*Interruptions*)

You are a very senior Member. … (*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : It is a Union Territory. It is the look after of the Law Minister so see that constitutional provisions are obeyed and implemented. … (*Interruptions*)

MR. DEPUTY-SPEAKER: You should not use unparliamentary words.

SHRI VARKALA RADHAKRISHNAN : No elections were held in the Union Territory for the last 38 years.

MR. DEPUTY-SPEAKER: It was expunged.

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* Expunged as ordered by the Chair.
SHRI VARKALA RADHAKRISHNAN : Now, he is bringing a new Bill to create a Council. For what purpose? I would just like to inform that we are economically in difficulty. Andhra Pradesh, Kerala and other States are in difficulties. We are mad after investments[R48].

We do not get sufficient funds even to implement the development activities in the State. Creating another House will involve crores of rupees. What is the purpose? If he can convince

me that this is for the benefit of the State, I will vote for it. I will not vote for political reasons or for political expediency. Is it a child's play? Is it a mockery? I must remind the hon. Law Minister that we passed the States Reorganization Act in 1956 on the basis of language. Kerala State was formed; Tamil Nadu was formed; Andhra Pradesh was formed; and Karnataka was formed on the basis of language. We have a single legislature in Kerala. Tamil Nadu has only one Assembly. Andhra Pradesh has got one Assembly. But we did one thing. We have to make a special mention of Andhra Pradesh. We had passed the resolution in 1957 for the establishment of a Legislative Council for Andhra Pradesh. It was passed by this House in 1957. It came into effect after that. A representation was made at that time, as pointed out by my learned friend Shri K.S. Rao, and then it came into existence. It lasted up to 1985. Then, all of a sudden, a new resolution came for abolition of it following the suit of Tamil Nadu, and other States. Shri Rajiv Gandhi was good enough to move it with a resolution passed from the State Assembly. … (*Interruptions*) Shri Rajiv Gandhi was gracious enough to agree to pass it. The Council continued till 1985. We felt that it was not necessary and we should abolish it. Then came a request for that and we abolished it. I can understand that.

Before completing two decades, a new resolution is before this House for reviving the Council which was abolished by this House 19 years before. Within 20 years, after the abolition, we are again to pass a resolution. Is it a child's play? The Assembly had asked us to pass the resolution. That was done in 1957 as a special case. Then this House passed another resolution abolishing it in 1985. Now they are asking us to revive the old thing. If things go on like this, what will happen? … (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will go on record except what Shri Radhakrishnan speaks.

*(Interruptions) ...**

SHRI VARKALA RADHAKRISHNAN : If things go on like this, then in 2025 another resolution will come asking us to abolish it. I may not be there at that time. But, then if the Andhra Legislative Assembly will pass a resolution asking us to abolish it, can we do that? That will be a political expediency. If the party in power wants it, they will pass the resolution. They will send it here for passing it. Are we rubber stamps? Are we tools in their hands? We are not bound by that. … (*Interruptions*)

MR. DEPUTY-SPEAKER: There should be no running commentary[p49].

SHRI VARKALA RADHAKRISHNAN : It is not at all binding. According to their political convenience, they have passed the Resolution, but we are not bound by that. Once they passed the Resolution, we agreed, as a special case. Now, this is the third time that they are asking us to revive the Council.

SHRI KINJARAPU YERRANNAIDU : Again, it will come fourth time to abolish the same!… (*Interruptions*)

MR DEPUTY-SPEAKER: Nothing will go on record except the speech of Shri Radhakrishnan.

*(Interruptions) …**

SHRI VARKALA RADHAKRISHNAN : In 1985, they wanted it to be abolished.

MR. DEPUTY-SPEAKER: You are repeating the same point. Please conclude now.

SHRI VARKALA RADHAKRISHNAN :Now, in 2005, they are again wanting it to be revived. Again after some time, they will ask you to abolish it.

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* Not Recorded.

Sir, this House is not bound by their Resolution. This House is a sovereign body. We are not bound by the dictates of any Legislative Assembly or the Legislative Council of any State. This House has a separate entity; this House has its own existence; and this House has its own system. We cannot be dictated. According to their whims and fancies, they will pass a Resolution asking Parliament to revive their Council!

So, Sir, I strongly oppose this. We cannot be party to it. If we pass it, it will be a black mark in the history of the House.

With these few words, I conclude.

उपाध्यक्ष महोदय : श्री मोहन सिंह। आपकी बारी हमेशा इनके बाद आती है।

श्री मोहन सिंह जी हां, और ये माहौल को उलटी दिशा में कर देते हैं।

चूंकि यह विधेयक संसदीय समिति की ओर से आया है, भार-साधक मंत्री जी तो इसके साधन मात्र हैं। जब पार्लियामेन्ट स्टैंडिंग कमेटी, जिसमें सभी पक्ष के लोग थे, उन्होंने किसी कानून को आम सहमति से स्वीकृति दे दी है तो मैं नैतिक दृटि से अच्छा नहीं समझता हूं कि संसदीय समिति में किसी भी कानून का समर्थन किया जाए और सदन के भीतर उसका विरोध किया जाए। यह कोई स्वस्थ परिपाटी नहीं होगी। इसलिए इन परिस्थितियों में मैं इस विधेयक का समर्थन करता हूं।

दूसरी बात, मैं कहना चाहता हूं कि भारत का संविधान बनाने वालों ने सभी राज्यों को इस बात का अधिकार दिया कि यदि वे जरूरी समझें तो अपने राज्य में सैकेन्ड चैम्बर बना सकते हैं। उत्तर प्रदेश की जो काउंसिल है, लोकल बॉडी से चुनकर मैं भी उसकी सेवा कर चुका हूं। हिन्दुस्तान की संविधान सभा बैठी तो मैं विनम्रतापूर्वक बताना चाहता हूं कि संविधान सभा का चुनाव करते समय इस देश में लिमिटेड फ्रैंचाइज़ था, एडल्ट फ्रैंचाइज नहीं था। लिमिटेड फैंचाइज़ से चुने हुए लोगों ने भारत को दुनिया का अद्भुत संविधान दिया जो हर बारीकी से सज्जित है। इसे दुनिया के अच्छे संविधानों में गिना जाता है। इसलिए ऐसा नहीं कहा जा सकता है कि सैकेण्ड चैम्बर हम इसलिए बनाते हैं क्योंकि जनता द्वारा रिजेक्ट लोगों को विश्राम की जरूरत है, इसलिए सैकेण्ड चैम्बर है। ऐसा आरोप लगाने वालों को अपने नेताओं का इतिहास देखना चाहिए। यदि बुरा न माना जाए तो मैं कहना चाहूंगा कि भारतीय जनता पार्टी के दोनों वरिठ नेताओं का अधिकांश समय राज्य सभा में बीता है। लोक सभा के मुकाबले वे राज्य सभा में अधिक रहे हैं। भारत के प्रधानमंत्री भी लोक सभा के मैम्बर नहीं हैं। यदि राज्य सभा न होती तो श्री नरसिंह राव जी को प्रधानमंत्री के पद पर सुशोभित करने का सौभाग्य या इस सदन द्वारा नेतृत्व देने का सौभाग्य हम लोगों को प्राप्त नहीं होता। इसलिए बहुत सारी परिस्थितियों में यदि आप देखेंगे तो सैकेण्ड चैम्बर की जरूरत है। लेकिन किन राज्यों को इसकी जरूरत है, इसका अधिकार हमारे संविधान बनाने वालों ने राज्यों की विधान सभाओं को दिया है[MSOffice50] ।ऐसा क्यों किया गया? आज उत्तर प्रदेश की आबादी 17 करोड़ 40 लाख है और 17 करोड़ 40 लाख का प्रतिनिधित्व कुल चार सौ असैम्बलीज के मैम्बर्स करते हैं। विधान सभा के एक सदस्य को 7-8 लोगों का प्रतिनिधित्व करने का अवसर दिया जाता है और आपने इस सदन के भीतर एक प्रस्ताव पास कर दिया है कि सीमाओं का परिसीमन होगा, असैम्बलीज़ का परिसीमन होगा, लोक सभा की सीटों का परिसीमन होगा, लेकिन सीटें सन् 2025 तक नहीं बढ़ाई जाएंगी। जब सन् 2025 तक सीटें नहीं बढ़ाई जाएंगी, ऐसी हालत में लोक सभा के मैम्बर्स का जो दायरा है, मैं जिस लोक सभा क्षेत्र का प्रतिनिधित्व करता हूं, उसकी आबादी 25 लाख है। इस देश में ऐसा प्रतिनिधित्व है, जिनके क्षेत्र की आबादी डेढ़ लाख है, लेकिन हमें 25 लाख की आबादी का प्रतिनिधित्व करना पड़ता है, यह एक विामता है। लेकिन जब आपने एक पद्धति बना दी कि जो बड़ी विधान सभाएं हैं, उनमें भी विधान सभा के सदस्यों की संख्या नहीं बढ़ेगी, ऐसी हालत में यदि राजनीतिक कार्यकर्ताओं के लिए एक सैकिंड चैम्बर बनाकर कुछ ऐसे, जो किसी भी संगठन के लिए आवश्यक होते हैं और किन्हीं खास परिस्थितियों में उन्हें मतदाताओं का विश्वास नहीं मिल पाता, ऐसी हालत में यदि उन्हें राज्य सभा में प्रवेश दे दिया जाता है, तो मैं इसे अनैतिक कहने के लिए तैयार नहीं हूं, यह कोई अनैतिक पद्धति नहीं है। इसीलिए बड़े राज्यों के लिए सैकिंड चैम्बर की बात कही गई। 70 लाख की आबादी का एक राज्य है, जो हमारे में से ही कटकर बन गया। वह कल तक उत्तर प्रदेश का हिस्सा था, उसका भी प्रतिनिधित्व विधान परिद में हुआ करता था। लेकिन 70 लाख की आबादी अलग कर दी गई, उसमें 90 विधान सभा के सदस्य हो गए, यदि वे वहां भी यह मांग करें कि हमें सैंकिंड चैम्बर मिले, मैं संमझता हूं कि यह तार्किक नहीं

होगा। लेकिन यदि बड़े राज्य सैकिंड चैम्बर की मांग करते हैं, तो वह वाजिब मांग है और उसका समर्थन किया जाना चाहिए। इसमें हिन्दुस्तान के जितने बड़े राज्य हैं, यदि उनसे वार्तालाप करके भारत सरकार एक साथ उन सभी राज्यों में सैकिंड चैम्बर बना देती है, तो यह गैर-वाजिब नहीं होगा। आप या तो विधान सभा के सदस्यों की संख्या बढ़ाने की छूट दीजिए और यदि वह छूट नहीं देते हैं, तो सैकिंड चैम्बर बनाने की इजाजत होनी चाहिए, यह मेरा आग्रह है।

यह बार-बार कहा जाता है कि जो प्रतिनिधिक संस्थाएं हैं, उन संस्थाओं की वजह से भार बढ़ रहा है, जैसे सबसे बड़ा भार इन प्रतिनिधिक संस्थाओं से ही है। यह वही तर्क है जो इस बात को कहता है कि लोक सभा और राज्य सभा खर्चे की सबसे बड़ी जगह हैं, इसमें गैर-जरूरी खर्चे को रोकने के लिए इन संस्थाओं को बंद कर दिया जाए। यह लोकतांत्रिक दिमाग नहीं है, यह सीमित दिमाग है, जो प्रतिनिधित्व करने वाली संस्थाओं को सीमित करे। इसलिए मैं सुझाव के तौर पर कहना चाहता हूं कि उत्तर प्रदेश में लोकल बॉडीज़ के प्रतिनिधियों का पहले से प्रवेश है, प्रतिनिधित्व है, रजिस्टर्ड ग्रेटुएट्स का प्रतिनिधित्व है, ग्रेजुएट्स लोग जो जनता का चुनाव नहीं जीत सकते, अध्यापक हैं, किसी और संस्था में काम करते हैं, उनका प्रतिनिधित्व विधान सभा में नहीं हो सकता, वे जनता के 24 घंटे के सेवक नहीं हो सकते, क्या ऐसे लोगों का चुनी हुई संस्थाओं में प्रतिनिधित्व नहीं होना चाहिए? इसलिए ऐसे तत्वों को प्रतिनिधित्व देने के लिए सैकिंड चैम्बर की बात कही गई। रजिस्टर्ड ग्रेजुएट्स के प्रतिनिधित्व हो सकें, अध्यापकों के प्रतिनिधित्व हो सकें, विश्वविद्यालय के अध्यापकों के प्रतिनिधित्व हो सकें और मैं नम्रतापूर्वक कहना चाहता हूं कि आज की तारीख में शिक्षक वर्ग में सबसे अधिक संख्या प्राइमरी अध्यापकों की हो गई है। प्राइमरी अध्यापक किसी भी विधान सभा में अपने प्रतिनिधित्व से विहीन हैं। मुझे यह कहते हुए अफसोस हो रहा है कि माननीय कानून मंत्री जी ने आंध्र प्रदेश के काउंसिल के गठन का जो प्रस्ताव रखा है, उसमें प्राइमरी टीचर्स को उनके प्र ातिनिधित्व से वंचित किया है, यह अच्छी बात नहीं है। इसलिए मैं आग्रह करूंगा कि आने वाले समय में प्राथमिक विद्यालों के टीचर्स का भी प्रतिनिधित्व काउंसिल में सुनिश्चित किया जा सके, इसके लिए एक संशोधन इन कानूनों में आना चाहिए।

इन थोड़े से सुझावों के साथ कि थोड़े से नॉमिनेटेड लोग, जिनकी पार्टियों के लिए बहुत जरूरत होती है, राज्य सभा में क्या होता है, प्रतिठित खिलाड़ी जो देश और दुनिया में हिन्दुस्तान का नाम ऊंचा करते हैं, वे चुनाव जीतकर तो नहीं आ सकते[R51]।

16.00 hrs.

अब श्री नवजोत सिंह सिद्धू जैसे लोग एक-आध ही होंगे, जिन पर पार्टियों की कृपा होती है तो वे यहां आ जाते हैं, लेकिन आम तौर पर खिलाड़ी, सिनेमा के कलाकार, विभिन्न संगीतों के कलाकार का प्रतिनिधित्व निर्वाचन पद्धति में नहीं हो सकता है। ऐडल्ट फ्रेंचाइस में जनता के प्रति जो सीधी जिम्मेदारी है, वह उसका निर्वहन नहीं कर सकते। इसलिए एक पद्धति मानी गयी कि राट्रपति जी यदि उचित समझें तो उनका मनोनयन कर सकते हैं। इसी तरह विधान परिदों में राज्यपाल महोदय अपनी तरफ से ऐसे लोगों का प्रतिनिधित्व कराते हैं। 12 नौमीनेटेड लोगों का प्रावधान सभी राज्यों में है, आपने यहां भी किया है, लेकिन इसके लिए एक बंदिश होनी चाहिए। सोशल वर्कर्स की भी परिभाा इसमें दी जाये। सोशल वर्कर्स जो अत्यंत अद्भुत और उच्च कोटि के सामाजिक कार्यकर्ता हैं, उनका भी मनोनयन हो सकता है। इस धारा का दुरुपयोग करके जो निंदा की जा रही है कि हमारे रिजैक्टेड पौलिटिशियन, जो कभी चुनकर नही आ सकते, उनका मनोनयन हो जाता है। राज्यपाल को जो 12 नामांकन का अधिकार है, उसे साफ तौर पर स्पेसीफाई करना चाहिए। यह स्पेसीफिकेशन होना चाहिए कि ऐकेडेमिक फील्ड, खेल-कूद, संगीत, कला आदि के क्षेत्र में जिनका उल्लेखनीय योगदान हो, ऐसे ही लोगों को राज्यपाल और राट्रपति को सैकिंड चैम्बर में मनोनीत करना चाहिए। इस आग्रह और सुझाव के साथ आपका बहुत-बहुत धन्यवाद।

SHRI RATAN SINGH AJNALA Deputy Speaker Sir, I am obliged to you for allowing me to participate in the discussion on the Bill brought by the Law minister Shri Bhardwaj regarding Andhra Pradesh Legislative Council. I rise to oppose this Bill. I was listening to the arguments as to why there was a need for a Legislative Council. If a Legislative Council was needed then why was it abolished earlier? If it was abolished, there was some reason behind the move. It was felt that this council was no longer needed. Why is the Legislative Council needed today?

Deputy Speaker Sir, today, there is a Congress Government in Andhra Pradesh as well as the Centre. This council is needed just to adjust and accommodate the Congressmen. Otherwise, it is not needed. It will entail a lot of expenditure. All the States are in a bad condition financially. We will be over-burdening the already bad condition of these States by our decision to revive the Legislative Councils.

Deputy Speaker Sir, I am ashamed to mention about the corrupt practice indulged in by the eleven Members of Parliament recently. We will be further promoting corruption by reviving more and more such institutions. There is no need of this council. The elected body of people is assembly. In Punjab too, there was Legislative Council. But it was abolished later. An appeal was made to revive the Legislative Council in Punjab but it was not done. When it cannot be done in Punjab, why is it being done in other States? This is injustice. Justice should be meted out to all the States.

The Law Minister is an expert. The Legislative Council is not necessary for passing a Bill. It will not be an elected body. Whether it is a Co-operative body or any such institutions, the Local Governments commit irregularities in it and the council members will be members of these bodies. So, the need of the hour to avoid such extravagant acts and save the States from financial crisis. This

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*English translation of the speech originally delivered in Punjabi

is my request, Deputy Speaker Sir. It is not imperative for us to pass Bills in

accordance with the views of a Legislative Assembly. We should apply our own mind and discretion. We are all elected.

Members of Lok Sabha. We have come here to pass laws for the welfare of the people. We should not pass Laws that harm the people. So, this Bill should not be passed.

PROF. K.M. KADER MOHIDEEN Mr. Deputy-Speaker, Sir, I am thankful to you for having given me this opportunity to speak on an important Bill Andhra Pradesh Legislative Council Bill.

First of all, I congratulate the hon. Minister for having brought about this Bill. My friends here said that he should be prosecuted. I would like to say we should all join together to compose an ode in praise of Shri Bhardwaj*ji* because more than 7 crore people of Andhra Pradesh will certainly admire, commend and ever remember him for bringing about this Bill. Our country is the largest democracy in the world. Great founding fathers of our Constitution were great believers in democracy. They wanted to strengthen democracy in this country because as believers in democracy, as believers in bicameralism, they gave the Legislative Council as well as the Legislative Assembly for the States of this country.

Sir, as great visionaries, the great founding fathers of our country have shown everywhere to strengthen democracy in our country from the grass-root level. One of our friends here said that Legislative Council is the sixth finger. I would like to say that it is one of the eyes of democracy. A State without a Council is having only "one eyed Democracy". At the Centre, we have the Parliament consisting of the Lok Sabha and the Rajya Sabha. I would like to make my humble suggestion that in 4 States only we have Legislative Councils. In all the States where we do not have Legislative Councils, we should have the Legislative Councils. Even in the Union Territories where Assemblies are there, there should be Legislative Councils. The Legislative Assemblies represent the people. There is no doubt about it.

16.08 hrs. (Shri Varkala Radhakrishnan *in the Chair*)

But the Legislative Councils represent various sections of the people like the scholars, the professionals, the lawyers, the educationists, even the spiritual leaders, the community leaders, social scientists, religious leaders, players, sportsmen, craftsmen, artisans, etc. All these people

are represented only in the Councils. If they are not given a chance, we are denying the very fundamental right, the democratic right to all these sections of the people. Therefore, we would like to say that this Legislative Council should be universally made a part of the democratic set-up in every State in this country.

In Tamil Nadu, in 1986 during Dr. MGR's regime, it was abolished. Here, it was mentioned. If it has been abolished in one State, it does not mean that it should not be brought about in other States. Even, in Tamil Nadu, I would like to say that our great leaders have said that there should be a Legislative Council in our State. I would like to say that in 1986, the Council was abolished. By God's grace, in 2006 after elections, the same Council will be restored in Tamil Nadu under the leadership of Dr. Kalaignar. That is the possibility which is going to happen[mks52].

About the Legislative Council, I would like to mention here one or two points. In the Legislative Council, out of the total Members who form the Members of the Council, 12 representatives are nominated by the Governor. I would like to say that while the nomination is made, they should extend the nomination to the Chambers of Commerce, the trade unions. All the trade unions in the State should be made representatives in the Council. Along with that, most of the religious leaders, most of the spiritual leaders who are doing yeoman service for the communities' development, upliftment never come out openly. They never contest any election. These real spiritual leaders of this country are found everywhere. In a particular State or in any State, the spiritual leaders, who are guiding the people to be harmonious, who are guiding the people to live in peace and happiness, who are guiding the people saying that the minds of the people should meet together, should be made to represent the Council. For this, while the Governor nominates, leaders from the communities, leaders from various sections of the people, the spiritual leaders also should be taken into account. Those people also should be given representation in the Council.

With these words, I congratulate the hon. Minister for bringing forward this Bill. I support the Bill on behalf of the DMK Party.

MR. CHAIRMAN : Shri B. Mahtab, to speak now. Please conclude in five minutes because so many speakers are here. If you kindly cooperate, it would be better.

SHRI B. MAHTAB Sir, I will only repeat what you have said when you were sitting in this Bench that here an attempt is made to rush it through and we should not be a party to it. Here, this Bill has been moved by the hon. Law Minister for the creation of a Legislative Council in the State of Andhra Pradesh. But the manner in which the debate has unfolded, especially when the previous speaker just said, is something important. Today, it is the Andhra Pradesh Legislative Council which is sought to be created. Tomorrow, it will be the Tamil Nadu Legislative Council. We do not know what will happen to other States. After 58 years of Independence, after half a century of the debate that went in the Constituent Assembly regarding the creation of a Council in different Provinces, I think it is necessary to go into those debates that had occurred in 1947 or 1948 and 1949.

Now, I would come to the crux of the matter. There was a division of opinion in the Constituent Assembly. There was no one opinion because, at that time, the situation was quite different. We had larger States. The larger States were inherited from the larger Presidencies like the Bengal Presidency, the Bombay Presidency and the Madras Presidency. But, at that time, Dr. Ambedkar, while going through the debates and reports of the Committee which was formed during that time, had very succinctly commented:

> "The Constituent Assembly envisaged the composition of the Legislative Council as a transitional provision in the Constitution."

I would like to lay more stress on the "transitional provision" of the Constitution. It was not a mandatory provision but a transitional provision and the transitional provision fructified after the abolition of the Andhra Pradesh Council if we are talking of only the Andhra Pradesh Legislative Council, as you have rightly said when you were sitting here.

In 1957, a Resolution was moved. It was accepted by the House of the People or the Lok Sabha here. Subsequently, in 1985, the elected representatives of Andhra Pradesh Assembly passed a Resolution. That was the mandate of the Andhra Pradesh people then[R53].

Today we have another mandate which says that we have notified it in our election manifesto. They say they got votes because of that. How much is that I do not want to go into that debate but this is a mandate. But, today the question arises before Lok Sabha and before the Government of India and it will be a question which will be repeated that whether the resolution of any Assembly will be the base, will be the only basis for creation of a Council. I want to go

back to the debate on the Constituent Assembly. That time, as Mr. Mohan Singh had very rightly mentioned that a very limited franchise system was prevalent them. At that time, in their wisdom the leaders of the country, the founding fathers of the Constitution, when they were framing, when they were debating in the Constituent Assembly, they said that they are the elected Members and they should represent the people in the Constituent Assembly. That is the main reason why certain provisions were made. But I would like to draw the attention of this House, already half a century has passed with adult franchise. Have we not progressed? A transitional provision is being reconfirmed in this 21st century which was abolished 20 years back? Which was abolished subsequently by different other State Assemblies. Today, we are discussing that we want to bring it back. For what purpose? If it is really necessary to frame law, I would put a basic question. How many days actually the Andhra Pradesh Assembly for that matter sits in a year? Is it 60 days? Within last 10 years has Andhra Pradesh Assembly sat for 60 days? It has not. Very rarely! It is only West Bengal's Assembly which has completed 61 days. No other State Assembly is sitting for 60 days in a year. If this is the position, what legislative business the Legislative Assemblies have today to do? So that you need another chamber to discuss and debate. The Assembly itself does not have that much of business, 60 days of work or business. Our Uttar Pradesh hardly sits for 31 days in a year. Yet they have a Council because it is a larger State and the discussions that have been going on … (*Interruptions*)

SHRI ASADUDDIN OWAISI (HYDERABAD): What about Orissa?… (*Interruptions*)

SHRI B. MAHTAB : We do not have a Council. … (*Interruptions*) Thank you for reminding me about my State. Our State this time has sat for 49 days. Last year it was for 55 days. The year before last year it was much more than that. But, when I say no State is sitting for 60 days other than the West Bengal, Orissa also is a part of that. One should understand. But this was discussed. Creating a Upper House or a Council in different Provinces was discussed in the late forties in Orissa Assembly also. I have gone through those debates. It was very categorically mentioned. I just want to draw the attention of the hon. Members. That time an idea was floated. Some school of thought of people will not get representation, respective organisations will not get representation, educated academia will not get representation. This was discussed in Orissa Assembly in the late forties. During that time, Prof. Pranakrushna Parija who is an internationally renowned Botanist of the Blackman Parija Theory, which propounded life is in plants, was elected to the Legislative Assembly by popular mandate. We have also another Vice-Chancellor, Dr. Baidyanath Mishra. He contested but lost. We have also another eminent legal

luminary who was Chief Justice of Orissa High Court, Justice Lingaraj Panigrahi. He was elected after retiring from Chief Justiceship[a54].

[k55]

He fought election, got elected to the Assembly and became the Law Minister. He again fought election, got elected and became the Speaker of Orissa Legislative Assembly. But at the same time, we have a number of other educated persons whom the party projected as its candidates. Should we presume that Andhra Pradesh, their respective political parties, especially the Congress Party, is not in a position to select educated people so that they can get the popular mandate and get elected to the Assembly and that is why the Government wants them to be nominated to the Council? This is not proper. You cannot satisfy the people in this way.

SHRI K.S. RAO : That is why the TDP got 44 MLAs in Andhra Pradesh Legislative Assembly.

SHRI KINJARAPU YERRANNAIDU : Okay. Our strength in the Andhra Pradesh Assembly is 44. In the last Assembly, their strength was 26. This time they came to power and so with 44, next time we will come to power.

MR. CHAIRMAN : Please take your seat. Nobody will be allowed to intervene. Shri Mahtab alone can speak and conclude now.

SHRI B. MAHTAB : Sir, I would only say that if the ruling party wants some better persons to come to the Assembly, some knowledgeable persons in specific fields to come to the Assembly to become Ministers in the Ministry or to be elected to give more inputs for the functioning of the governance, then they should get them elected because ultimately it is the party which contests the election, not the individual. It is the political party which contests, it is the symbol which is popular. Very rarely individuals can get the mandate from the people and those are of very high quality and calibre.

MR. CHAIRMAN : Mr. Mahtab, you have taken 10 minutes. Please cooperate and conclude now. We should hear different opinions.

SHRI B. MAHTAB : I would only like to remind one thing to the Law Minister. He is knowledgeable and he is very much aware about what we inherited practically from the British parliamentary democracy. British Isles, Great Britain has House of Lords and House of Commons. Scotland is a part of British Isles, but it does not have any second Chamber. It has a Parliament, but it does not have a second Chamber, neither Wales have, nor Northern Ireland have. Why should we have it here?

Sir, the Government is opening a floodgate today. The Government is encouraging a group of persons to pressurise political organisations to move in this direction which will create more damage to the State Exchequer and unnecessary burden will be there on the Exchequer of different States. Is it necessary? I do not think it is necessary. It is not at all necessary. When States like Punjab, Tamil Nadu and West Bengal had abolished the second Chamber since 1969, why are we opening that floodgate again? The Government should not open the Pandora's box again.

Sir, I know the Congress Party has made a commitment and, as you know, they say, they always keep their word. But this is the only commitment they are going to fulfil. I do not think they have fulfilled any other commitment made in the manifesto during the last 18 or 20 months. This is the last commitment they are going to fulfil. … (*Interruptions*) Sir, they have made a number of commitments. I do not think they remember those commitments today, but the Government has brought forward this Bill only because of persons around it. Our party is totally against opening a second Chamber in Andhra Pradesh.

SHRI VIJAYENDRA PAL SINGH Mr. Chairman, Sir, I stand to speak on the Andhra Pradesh Legislative Council Bill, 2004 which is brought here to provide for the creation of a Legislative Council in the State of Andhra Pradesh.

Sir, much has been said about whether we should have this Council in Andhra Pradesh or not. In all ordinary circumstances, I feel that this House would have just vetted the decision, the mandate of Andhra Pradesh[k56].

I feel [r57]that as provided by our founding fathers and in all their wisdom they had decided that the bigger States in India can have the Legislative Council, and a few Councils were there. But this is not an ordinary circumstance because there was a Legislative Council, which was abolished. I think, this is the first time in the history of Parliament that we are discussing

something which has been debated from both the sides that whether decision regarding the abolition which has taken place earlier was right or that now we want to create another one is right.

It can become a regular practice. It can become a political motive. It can become a practice that some States will have it and next year the next Government will abolish it and again it will be recreated. Now, this is the problem that we, in the Parliament, are facing. I feel that this Parliament as such should go by exactly what the State wants. If the State wants to create one or abolish one, we have that. We cannot say, we cannot dictate because it is a Federal System and in the Federal system, bigger States, as our founding fathers have said, can have one or not have one. We cannot say that this State will not have it.

As somebody has very rightly said that one Government will have it and the next Government will not have it and I am sure the next Government in Andhra Pradesh, which is going to be the TDP and most probably it is going to be, will again abolish it… (*Interruptions*) They will come here again… (*Interruptions*) I am sure, they will come. That is a different thing. It is a hypothetical case that I am putting across… (*Interruptions*)

Let me also say that our founding fathers, in all their wisdom, under the leadership of Dr. Ambedkar, had created two Chambers even at the Centre and when these were created, there was a lot of discussion. It was also thought that why do not we have the Presidential form of the System, like the American System, which was doing well.

We opted for the parliamentary system with a Council of Ministers under the Prime Minister. There was a lot of debate in those times. I will not go into the debate of that time. But it was also felt that the President of America can get the best people from any field to be on the Ministry. They do not have the Minister. They have the Secretary of State and all that. Let us not get into that. What I am trying to say is, that we have the Rajya Sabha Members, with the capability -- ...* and who should be in the Ministry – inducted into the Ministry. That is the system that we have here.

I would like to praise it because there are a lot of customs in our country. In the House of Commons, most of the laws are customary. We have also had, in the 58 years of our Independence, a lot of customs. You will remember the first lady Prime Minister of our country was hon. Madam Indira Gandhi. When she became the Prime Minister for the first time, she was a member of the Rajya Sabha and not of the Lok Sabha[r58].

But, she thought it right to become a Member of the Lok Sabha. She resigned from Rajya Sabha and she became a Member of the Lok Sabha. I feel that this custom must also be kept in this country ...* I feel that is the right way of going about it. Those are the things that we must do. Those are the customs. Why should we be afraid of it? Somebody very rightly said that it is the party which fights…….* That is the way it should be, and there is nothing wrong in it, when an example was set by Madam Indira Gandhi … (*Interruptions*)

MR. CHAIRMAN : Any personal remark will not go on record.

… (*Interruptions*)

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* Expunged as ordered by the Chair.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI BIJOY HANDIQUE): Mr. Chairman, Sir, I am afraid, he is casting aspersion on the other House. He must not do that.

MR. CHAIRMAN: I will look into the matter and see that it will be expunged.

SHRI VIJAYENDRA PAL SINGH : Madam Indira Gandhi set an example here and it should be set as an example by the Congress Party.… (*Interruptions*)

MR. CHAIRMAN: Your time is over. Shri G. Venkataswamy.

SHRI VIJAYENDRA PAL SINGH : I also feel that this House should fully endorse what the State Legislature wants.

श्री जी. वेंकटस्वामी चेयरमैन साहब, सब लोग अंग्रेजी में बोले हैं लेकिन मैं अपनी बात हिन्दी में रखना चाहूंगा।

अभी लैजिस्लेटिव कौंसिल बिल को टी.डी.पी. के सदस्यों ने और दूसरी स्टेट्स से मैम्बर्स ने अपनी तरफ से क्रिटिसाइज किया है। वहां पब्लिक मैंडेट दिया गया है, तभी असेम्बली के स्पीकर ने इस मांग को स्टैंडिंग कमेटी में भिजवाया

है। वहां इन सब लोगों ने स्टैंडिंग कमेटी में सपोर्ट किया है लेकिन मुझे अफसोस है कि यहां उसे अपोज़ कर रहे हैं। यह बिल वहां की असैम्बली में पब्लिक मैंडेट मिलने के बाद पास किया गया, फिर स्टैंडिंग कमेटी में पास हुआ। इसलिये मैं समझता हूं कि इस पर ज्यादा जोर देना ठीक नहीं है।

चेयरमैन साहब, यह उन लोगों का ख्वाब था जिन्होंने हिन्दुस्तान को आजाद कराया, उसका कांस्टीट्यूशन लिखा, उन्हें चैलैंज करने वाला कोई सदस्य नहीं है। उन्होंने लिखा था कि दूसरे चैम्बर की जरूरत है और वह इसलिये है कि वीकर सैक्शन्स से जो लोग पढ़-लिखकर आये हैं, अगर उन्हें रोशनी देनी है तो उन लोगों के रिप्रेजेंटेशन की इस चैम्बर में जरूरत है। मुझे अफसोस के साथ कहना पड़ता है कि अभी तक राज्य सभा में इन लोगों के लिये रिजर्वेशन नहीं रखा गया है। मैं लॉ मिनिस्टर से दरखास्त करूंगा कि जिस समय डा. अम्बेडकर ने कांस्टीट्यूशन लिखा, दलितों में पढ़े-लिखे लोग नहीं थे। अब चूंकि एस.सी.एंड एस.टी. में पढ़े-लिखे लोग आ गये हैं, इसलिये उन्हें राज्यसभा और लेजिस्लेटिव कौंसिल में रिजर्वेशन मिलना चाहिये।

चेयरमैन साहब, मैं तेलंगाना रीजन से आता हूं जहां के लोगों की आवाज है कि कौंसिल बन जाने पर तेलंगाना की बात कहां हल होगी? मैं इस बिल में अमेंडमेंट मूव करना चाहता था लेकिन टाइम नहीं था, इसलिये नहीं कर सका। इस वास्ते एक शब्द लिखना था कि जब तेलंगाना बनेगा, तब कौंसिल उसे अपोज़ नहीं करेगी। इसका मतलब यह है कि वहां की जनता की आवाज है कि जब तेलंगाना बने, कौंसिल में कोई रुकावट नहीं होगी बल्कि तेलंगाना के लिये कौंसिल देनी चाहिये[RB59]।

मैं एक और बात खास तौर से उन लोगों के बारे में कहना चाहता हूं, जो एक्सपर्ट्स हैं, उस जमाने में श्री स र्वपल्ली राधाकृणन ने इसे मूव किया था कि काउंसिल्स में टीचर्स का रिजर्वेशन होना चाहिए। तेलुगुदेशम के लीडर श्री येरननायडु यहां बैठे हैं, वे मुझे माफ करें, श्री एन.टी.रामाराव जी ने मेरे से बात करते हुए कहा था कि इस लैजिस्लेटिव काउंसिल से मैं तंग आ गया हूं, यह किस वास्ते रखी है, इसे अबॉलिश करना चाहिए। प्रैक्टिकली ऐसा हुआ है। लैजिस्लेटिव काउंसिल में चाहे कोई भी बात आये, अगर असैम्बली में आवाज नहीं उठी...(व्यवधान)

SHRI KINJARAPU YERRANNAIDU : Mr. N. T. Rama Rao never said, “It is useless”. That is the sixth finger.

SHRI G. VENKATASWAMY : I did not use the word ‘useless’.

… (*Interruptions*)

MR. CHAIRMAN : Nothing will go on record.

*(Interruptions) ... **

* * SHRI G. VENKATASWAMY :

* Not Recorded.

** Spoke in Telugu, but English Translation was not provided.
MR. CHAIRMAN: Hon. Member, Mr. Venkataswamy, you address the Chair. If you do not address the Chair, then difficulties will arise.

SHRI G. VENKATASWAMY : Please give me a minute's time.

SHRI SARVEY SATYANARAYANA (SIDDIPET): Sir, you give him five minutes more.

MR. CHAIRMAN: If you turn around and address, difficulties will arise. So, in order to prevent difficulties, I would request you to address the Chair.

श्री जी. वेंकटस्वामी : हमारा लॉ मिनिस्टर साहब से निवेदन है कि वह रिजर्वेशन के लिए कुछ कोशिश करें। यहीं नहीं बल्कि सारी काउंसिल्स में और राज्य सभा में यह होना जरूरी है। पचास साल पहले वीकर सैक्शंस के अंदर एक्सपर्ट्स नहीं आ सके, लेकिन आज एक्सपर्ट्स आ गये हैं। इसलिए यहां रिजर्वेशन देने के लिए मैं जोर देता हूं।

दूसरी बात यह है कि आज तेलंगाना में जो प्रॉबलम्स हैं, काउंसिल के आने के बाद कम से कम उन प्रॉब्लम्स पर इसमें बात कर सकें। इसलिए मैं काउंसिल को जरूरी समझता हूं और इसे सपोर्ट कर रहा हूं और जिन्होंने इसे अपोज किया है, मैं उन लोगों से प्रार्थना करता हूं कि वे इसे अपोज न करें[R60]।

SHRI SURAVARAM SUDHAKAR REDDY Sir, for quite some time this issue of the restoration of Andhra Pradesh Legislative Council is in discussion though not in Parliament but outside. The Legislative Council of Andhra Pradesh was abolished a few years back when Shri N.T. Rama Rao was the Chief Minister of Andhra Pradesh as there was a confrontation between the Legislative Council and the then Government.

I believe, later also once the State Assembly passed a Resolution but in Parliament the Bill has not come. Lots of arguments were made from both sides in favour and against the Second Chamber. The CPI, from the very beginning, was opposing the Second Chamber for different reasons. Of course, in the last several years after Independence, many democratic institutions have come up. No doubt even the Legislative Council also in some places played some important role.

But here I would like to refer to the point made by hon. colleague, Mr. Mahtab who raised a very important issue about the number of working days of the Legislative Assemblies and Parliament. It is very sad that the number of working days of the Legislatures is coming down drastically[m61].

I believe, in the first Parliament, it was almost about 150 days used to be the working days. But now, it has been reduced to less than 80 days. He was raising the point of other Legislatures. Andhra Pradesh is also one of the States where Constitutional obligation of 45 days or so are the working days. I would like to say whether it is Congress or the TDP whoever is in the Government, the Governments are trying to bypass the Legislatures. This is the most unfortunate thing. This is also to be discussed in the Parliament and the number of working days of Parliament is also to be raised because the Government is accountable to the people and the nation through the Legislatures. The Government wants to avoid the responsibility, the number of working days of the Parliament and the Legislatures is coming down. Anyway, that point is to be taken into consideration while we are discussing the other issues.

As far as the matter of formation of Legislative Council is concerned, I think it has gone to the Standing Committee also and the Standing Committee, I was told, has recommended the restoration with the same old type of method. I believe, the Legislative Council, as it is, is outdated. There is a representation of one-third representatives through Legislative Assembly, one-third from Local Bodies and I think about one-twelfth through graduates. This is one provision that was provided during the days immediately after Independence when the literacy rate was very less. Now, when there are millions of graduates in this country and when literacy rate is about 70 per cent, there is no meaning in thinking that only the graduates are the intellectuals who should be represented in the Legislative Councils. There is no representation for trade unions and working class who should get their representation. There is representation for the teachers but a big chunk of these teachers who constitute in the elementary section, these primary teachers are kept out of this election purview; only from the high school level will have their representation.

Here, I would like to inform this House that even at this juncture, the Law Minister did not find it possible to include a provision for the one-third reservation for women. We could not get it in the Assemblies and Parliament. But when a legislation for the restoration is coming, I request the Law Minister if he is ready to agree for one-third representation for women, we are ready to support for it. Though from my Party's point of view, we are not happy with the formation of Legislative Council. We will abstain from voting as the Assembly of Andhra Pradesh has decided in favour of it. If possibility is there, let him think of it and at least let us start from the Andhra Pradesh Legislative Council for giving more representation for women.

MR. CHAIRMAN : Now, Ravinder Naik Dharavath. You have only three minutes for your speech.

SHRI B. VINOD KUMAR (HANAMKONDA): We are an important political Party in Andhra Pradesh.… (*Interruptions*) We should get more time.… (*Interruptions*[t62])

श्री रविन्दर नाइक धारावत महोदय, आज सरकार द्वारा आंध्रप्रदेश विधान परिाद का सृजन विधेयक पारित करने के लिए लाए गए बिल के समर्थन में खड़ा हुआ हूं और तेलंगाना राट्र समिति पार्टी की तरफ से कुछ चीजें सरकार के सामने लाना चाहता हूं। मैं सरकार को बधाई देता हूं कि पिछले चुनाव में हमने तेलंगाना राट्र समिति और कांग्रेस, दोनों ने मिल कर चुनाव लड़ा था, जिसमें हमने जनता से वायदा किया था और आज उस वायदे को इस बिल के जरिए पूरा कर रहे हैं जिसके लिए मैं यूपीए चेयरपर्सन श्रीमती सोनिया गांधी जी का अभिनंदन करता हूं। बीजेपी नेशनल पार्टी है तथा हमारे दोस्त बीजेपी सदस्य श्री देव साहब ने सही कहा और मैं उनसे सहमत हूं कि बीजेपी जो स्मालर स्टेट्स का कंसेप्ट रखती है उसे उन्होंने करके दिखा दिया है। उन्होंने यह भी सही कहा कि देश में ज्वलंत समस्याएं बहुत सी हैं, काउंसिल की जरूरत नहीं थी। आज देश में और ि वशेाकर तेलंगाना में बच्चों को बेचा और मार दिया जाता है, लोग आत्महत्यायें कर रहे हैं, लोग माइग्रेशन कर रहे हैं। जिस तरह से यह बिल लेकर आए हैं, उसी तरह से इन समस्याओं के ऊपर भी ध्यान दिलाना जरूरी है। मैं इस संदर्भ में दो-तीन पाइंट बताना चाहूंगा। हमारे काका वेंकटस्वामी जी ने जो कहा, उसका भी मैं अभिनंदन करता हूं। जब सोनिया गांधी जी ने कहा कि यूपीए एजेंडे में तेलंगाना का प्रस्ताव है, उसी तरह राट्रपति जी के प्रसंग में भी प्रस्ताव है। जब काउंसिल बिल यूपीए एजेंडे में नहीं था, फिर भी उसे लाना पड़ा, क्योंकि हमने जनता के सामने वायदा किया था, उसे पूरा करने के लिए लाया गया। तेलंगाना राज्य बनाने की आज पचास सालों से समस्या चल रही है, अब इसका हल निकालना चाहिए। हमें श्रीमती सोनिया गांधी जी के ऊपर पूरा भरोसा है। जो यूपीए एजेंडे में है, उसे वह पूरा करेंगी, मैं ऐसी आशा करता हूं। जो यूपीए के चंद मित्र अपोज कर रहे हैं, उनसे सोनिया गांधी जी और कांग्रेस पार्टी जरूर बात करेगी और इस समस्या का हल निकालेगी। मैं बीजेपी पक्ष से निवेदन करता हूं कि आप स्मालर स्टेट्स और काउंसिल बिल की सपोर्ट में खड़े हैं, उसी तरह तेलंगाना के लिए भी आप खड़े होंगे।

आजकल जब तेलंगाना मूवमेंट पचास सालों से चल रहा है, उसे दो बार मैनडेट मिल चुका है। एक बार जनता ने श्री चन्ना रेड्डी जी के नेतृत्व में बारह संसद सदस्यों को जिताकर भेजा। दूसरा मैनडेट सन् 2004 में यहां पर टीआरएस और कांग्रेस दोनों ने मिलकर चुनाव लड़ा और तीनों प्रांतों में आंध्र, रायलसीमा और तेलंगाना में हमें समर्थन मिला, उसे हमने भूलना नहीं चाहिए क्योंकि हमारी जो डेमोक्रेसी है, उसके लिए इस काम को करना है। इसी तरह काउंसिल में टीचर्स को मौका देना चाहिए, जो इस बिल में नहीं है। इसमें आज एससी, एसटी, ओबीसी और माइनोरिटीज़ को तवज्जोह देनी चाहिए और काउंसिल तथा राज्य सभा में स्थान देना चाहिए। दो राज्य बनेंगे तो दो काउंसिल जरूर बनेंगी। आज स्वर्गीय पोटी श्रीरामलू का टीवी पर प्रोग्राम देख रहा था। उसमें हमारे नेता लोग यह कह रहे थे कि तेलंगाना को आंधप्रदेश में शामिल करने

के लिए उन्होंने प्राण त्यागे। नहीं, उन्होंने मद्रास प्रेजीडेंसी में से आंध्र प्रांत को अलग कर आंध्रप्रदेश बनाने के लिए प्राण त्यागे। मगर तेलंगाना और आंध्र को मिलाने के लिए उन्होंने ऐसा नहीं किया।

MR. CHAIRMAN : We are discussing the creation of Legislative Council in Andhra Pradesh, not of Telengana.

SHRI B. VINOD KUMAR : Sir, it is related. … (*Interruptions*)

SHRI RAVINDER NAIK DHARAVATH : Sir, this is related to the Andhra Pradesh Legislative Council and also related to Telangana region. अलग तेलंगाना राज्य के लिए पचास सालों से मूवमेंट चल रहा है। आज कुछ पार्टियों के आंध्र प्रांत के लोगों की वजह से यह बिल रुका हुआ है। मैं श्रीमती सोनिया गांधी जी और कानून मंत्री श्री भारद्वाज जी से निवेदन करता हूं कि उन्हें तेलंगाना की स्थिति के बारे में मालूम है जहां आज गरीबी, गुरबत फैली हुई है। चार करोड़ तेलंगाना की जनसंख्या है। पिछली बार जब 1998 में चुनाव हुए थे, तब बीजेपी ने "वन वोट - टू स्टेट्स" का नारा दिया था[i63] और बाद में बीजेपी सरकार ने तीन अलग राज्य भी बनाए, वह राज्य हैं - उत्तरांचल, झारखंड और छत्तीसगढ़।

महोदय, उसी आधार पर हम बीजेपी और उनके शीर्ा नेताओं से गुजारिश करते हैं कि वे इस पर उनका खुलकर समर्थन करें और तेलंगाना का साथ दें। इतना ही कहकर मैं अपनी बात समाप्त करता हूं।

DR. BABU RAO MEDIYAM Mr. Chairman, Sir, thank you very much for giving me the opportunity to participate in the discussion on this Bill – the Andhra Pradesh State Legislative Council Bill, 2004. I rise to oppose this Bill because this Bill provides for the revival of the Council which was abolished 20 years ago. In the Statement of Objects and Reasons of this Bill the indistinct objectives and irrelevant reasons are stated. If we read that Statement word by word, there is no concrete reason as to why this Bill should be introduced here. The only one reason that I made out was that the Andhra Pradesh Legislative Assembly resolved on 8th July, 2004, with a clear majority, to have a council.

But this Council was abolished by the then TDP Government in 1985. The reasons shown in the discussions that took place on that day, while it was being abolished, have not disappeared and they are still here and existing. It seems that there is no specific objective to bring in this Bill.

The only reason is that it is based on the political reason, that because the TDP Government abolished it, the Congress wanted to revive it again.

My second point is that in this Bill a misinterpretation of the constitutional provision has been given. In the Statement of Objects and Reasons they have quoted article 169 (1) of our Constitution. This small bit of the Constitution and its spirit and its teaching was ignored and misinterpreted in this Bill. I want to quote article 169 (1) (2) (3) put together and separately also.

> "Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting."

Sir, what exactly is the spirit of these words? The article clearly says that the State Assembly can resolve to abolish the Council where there is a Council and the State Assembly can resolve to create a Council where there is no Council. But, in the case of Andhra Pradesh there was a Council previously and it was abolished 20 years ago and again it is going to be revived. But, as far as this article of the Constitution is concerned, there is no provision here in the Constitution to revive the abolished Council. On this constitutional point, this is irrelevant and unconstitutional. This is what I believe and my Party believes and that is why I am opposing this.

My next point is a lot of discussion has taken place here about the Constituent Assembly. As the CPI(M) we are not opposed to the bicameral system at the national level. Yes, we must have it, keeping the particular characteristics of our country in view like the multi-linguistic nature and multi-religious character and the multi-party political system. Because of these we must have the Upper House at the national level. But it is not the case with the Council at the State level because if you go into the origin of the State Councils, you see how they came into existence and to serve whose interests these were formed. These are the relevant questions[krr64].

It is, by and large, a legacy of the British imperialism which ruled our country for 200 years. These Councils are the legacy and heritage of the imperial system and imperial thought to press our nationality, our culture and our resources. Who were there in the past Councils? Those Councils were filled with the people who admired the British imperialism, the people who

subjugated their interest for the British interests. Such Lords of the princely States used to be given Council membership in the State Councils.

Under our Constitution, now it is a federal system. I am not objecting to the resolution of the Andhra Pradesh State Assembly because I know pretty well that it is the discretion of the State Legislature to resolve like that, but as Members of the Parliament, the highest august body of this country, we must look into this constitutional provision, where it is ignored in bringing this Bill.

What is the past experience of the Councils? So many of my colleagues, learned and experienced colleagues, have explained how the disgruntled, defeated by people and corrupt politicians were brought back through the backdoor to these Councils and made Ministers. It is the practice followed in the previous years.

My another point is why they were there. In those days, there was no adult franchise. That is why, the people who had some property or wealth were going to be voters in those days. That is why, they were not representing all the people as a result of which the representation of various strata of the communities was not there. You see the position today in the Andhra Pradesh State Assembly. This Bill provides for about eight graduate constituencies. In the State Assembly of Andhra Pradesh, having a strength of 294, there are 196 graduates. Then, there are also professionals, artistes and teachers. Then, 26 per cent of the professionals are doctors and lawyers in the State Assembly of Andhra Pradesh. What does it show? It shows that people are amply represented in the present Legislative Assembly. So, there is no necessity of having such a Council which leads to discontentment of the people.

Though the Council is going to be formed, the Council is not connected with the aspirations and needs of the people. What are the needs of Andhra Pradesh today? It is said that UPA had promised something and because of that promise only, we are getting this Bill. They said so. There are other promises also which are more important than this. Now, we are not able … (*Interruptions*) It does not reflect the needs and aspirations of the people as such.

MR. CHAIRMAN : Please conclude.

DR. BABU RAO MEDIYAM : I will conclude in one minute.

MR. CHAIRMAN: You have been given eight minutes already. You must conclude within one minute.

DR. BABU RAO MEDIYAM : This is going to be a burden on the Budget of the State Government. It is expected that the expenditure of the Council, if it is revived, would be about Rs. 6 crore per month. That is going to be Rs. 72 crore *per annum.* When there are people without drinking water and without so many other things, I feel that it is a mere waste that we spend Rs. 72 crore for another House, which is not at all reflecting the aspirations of the people. That is why, I oppose this Bill. The Council, wherever it occurs, clogs the legislative and administrative functioning and results in an impediment to the local bodies[reporter65].

17.00 hrs.

As our learned colleague has said, the Seventy-Third and Seventy-Fourth Constitutional Amendments are already there for Panchayati Raj and Nagar Palikas. Even those bodies are not given proper rights to implement programmes. In this scenario, creating the Legislative Council will only be an impediment in the process of legislation. Every time a Bill is passed by the Legislative Assembly and sent to the Council, it will take three to four months to give its opinion on the Bill. I feel that it will become an impediment in the functioning local bodies and local administration. That is why I would request the whole House to consider this measure again.

I oppose this un-Constitutional Bill; I oppose this unnecessary Bill; I oppose this Bill which does not have administrative and legislative sanction; I oppose this Bill aimed at reviving the Andhra Pradesh Legislative Council.

श्री शैलेन्द्र कुमार माननीय सभापति महोदय, आपने मुझे आन्ध्र प्रदेश विधान परिद, 2004 के पुनर्गठन पर बोलने का मौका दिया, मैं आपका आभारी हूं।

जैसे कि हमारे सम्मानित सदस्यों के सुझाव आये हैं, टी.आर.एस., बी.जे.पी., सी.पी.आई. के अलावा, पार्लियामेंट की स्टेंडिंग कमेटी और केबिनेट के एप्रूवल के बाद अगर यह विधेयक आया है तो इसे हमें सर्वसम्मति से इसलिए पास करना चाहिए कि संविधान में डॉ. भीमराव अम्बेडकर जी ने अपर हाउस, लोअर हाउस, दो सदनों की उन्होंने यहां पर संविधान में व्याख्या की है। मैं तो कहता हूं कि 2, 4, 6 के अलावा जिन राज्यों में नहीं है, वहां भी बनानी चाहिए। लोअर हाउस का अगर सम्मान है तो अपर हाउस की वजह से है और अपर हाउस है तो वह लोअर हाउस की वजह से है। बहुत सारे विधेयक, बिल आते हैं, तमाम ऐसी समस्याओं पर चर्चा हम रखते हैं, जो दोनों सदनों में चर्चा होती हैं। कभी-कभी इस सदन में न होकर उस सदन में होती है तो वहां से बहुत सी चीजें निकलती हैं। इसलिए यह सदन होना बहुत जरूरी है। जैसी हमारे सुझाव से तमाम माननीय सदस्यों ने अपनी बात रखी है, जैसे कि हमारी विधान परिद् में 12 सीटें नोमिनेटिड हैं, जिसमें साहित्यकार, कवि भी

हैं, शायर भी हैं। इसके अलावा खेल से भी हैं, सामाजिक कार्यकर्ता भी हैं और पंचायतों के प्रतिनिधि भी उसमें चुने जाते हैं, ग्रेजुएट कांस्टीट्वेंसी से भी हैं और इसके अलावा शिक्षक वर्ग से भी प्रतिनिधि उसमें हैं।

मैं आपके माध्यम से माननीय मंत्री जी से और सरकार से मांग करूंगा कि विधान परिद में, जो तमाम हमारे श्रमिक हैं, श्रमिकों की संख्या हिन्दुस्तान में बहुत ज्यादा है तो कम से कम श्रमिकों का भी उसमें प्रतिनिधित्व होना चाहिए। इसके अलावा अभी कुछ सम्मानित सदस्यों ने अपने विचार रखे। हमारे बहुत सीनियर मैम्बर वेंकटस्वामी जी ने कहा कि बहुत दिनों से यह मांग है कि विधान परिद और राज्य सभा में कम से कम अनुसूचित जाति को प्रतिनिधित्व दिया जाये। उनका कम से कम कोटा फिक्स हो, तभी जाकर डॉ. भीमराव अम्बेडकर जी के संविधान को हम पूरा कर पाएंगे। उनकी जो एक धारणा रही है, वह पूरी हो पाएगी। इसके अलावा प्राइमरी अध्यापकों की भी संख्या ज्यादा है। हमारे दल के नेता मोहन सिंह जी ने भी अपनी बात रखी है, मैं उसका समर्थन करते हुए इतना कहना चाहूंगा कि यह बिल सामयिक है और अन्य राज्यों में इस प्रकार के बिल आयें, वहां भी विधान परिद गठित हों ताकि जनसमस्या और तमाम ऐसे लोगों का प्रतिनिधित्व हो, जिनसे उन समस्याओं पर चर्चा हो सके और लोगों को सम्मान मिल सके।

इन्हीं बातों के साथ मैं आन्ध्र प्रदेश विधान परिद विधेयक, 2004 के पुनर्गठन का घोर समर्थन करते हुए अपनी बात समाप्त करता हूं।

श्री असादूद्दीन ओवेसी शुक्रिया। मैं अपनी पार्टी की जानिब से जो इस एवान में बिल को पेश किया है, मैं इसका खैरमकदम करता हूं और इसलिए खैरमकदम करता हूं कि हालिया असेम्बली और पार्लियामेंट के इलैक्शन में अवाम ने जो एतमाद वहां की कांग्रेस पार्टी को दिया, वह इस बुनियाद पर दिया कि एक प्रोग्राम अवाम के सामने रखा गया था। उस प्रोग्राम में यह बात भी शामिल थी कि अगर अख्तियार इनको ÉÊàÉãÉäMÉÉ iÉÉä ÉÊ®ªÉÉºÉiÉ àÉå BÉEÉxÉÚxÉºÉÉWÉ BÉEÉéÉÊºÉãÉ BÉEÉä nÉä¤ÉÉ®É +ÉÉÉÊcªÉÉ ÉÊBÉEªÉÉ VÉÉªÉäMÉÉ*[i66] यहां पर मैं तक़रीर सुन रहा था। हमारे तेलगुदेशम पार्लियामानी खायद की, मुझे बड़ी खुशी हुई कि आज भी इनके दिलों में मरहूम एन.टी. रामाराव की इज्जत बाकी है। आप आज इसलिए इस बिल की मुखालिफत कर रहे हैं क्योंकि आपके मरहूम खायद ने इसकी मुखालिफत की थी, इसको बरखास्त किया था। मुझे वह दिन भी याद आ रहा है जब आन्ध्र प्रदेश की ऐवान असेम्बली में मैं एक रुक्न असैम्बली था, मेरे बाजू एन.टी. रामाराव बैठे हुए थे। उस वक्त आपकी ही पार्टी ने एन.टी. रामाराव साहब को एक मिनट बोलने का मौका नहीं दिया। इस तरह से आप लख्तदार को आए। मगर खैर यह तारीख का हिस्सा हैं। आज आपको अपने मरहूम खायद की यादें जिन्दा हैं। मगर सवाल यह पैदा होता है कि इसकी मुखालिफत क्यों की जाए। हमारा आइन यह इज़ाज़त देता है कि अगर एक रियासत की असेम्बली रैज्लूयशन पास करके भेजती है तो उसको इस ऐवान में अगर पास किया जाता है तो रियासत में कानूनसाज़ काउंसिल का दोबारा आहिया किया जा सकता है। अभी बात आयी कि रिजर्वेशन ख वातीन को मिलना चाहिए। मैं एक बात यहां पर रखना चाहूंगा कि हिन्दुस्तान की हमारी सियासत में अगर कोई वहांसबा करे कोई तज्जीया करे तो सबसे कम नुमाइंदगी किस को मिली, तारीख से लेकर अब तक तो वह मुसलमानों को मिली है। अगर तहफुज़ात आप देंगे कानूनसाज़ काउंसिल हो कहीं पर तो सबसे पहले मुसलमानों का नम्बर आना चाहिए।

दूसरी अहम बात यह है कि यह जो बिल पेश किया गया है, यह एक वादा किया गया था कि वहां की कांग्रेस पार्टी की तरफ से, उसमें कई वादे थे। मगर मुझे अफसोस के साथ कहना पड़ेगा कि आज आपकी यूपीए की हुकूमत में 37

अराकीने पार्लियामान ताइद कर रहे हैं। बड़े अफसोस के साथ कहना पड़ेगा कि आप लोग आन्ध्र प्रदेश से सौतेला सुलूक कर रहे हैं। आन्ध्र प्रदेश को चन्द्रबाबू नायडू के वक्त में

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*English translation of the speech originally delivered in Persian.

खुसुसी मौकफ हासिल था, मगर आज वह खुसुसी मौकफ हमको हासिल नहीं है। चाहे वह विजारत के कलमदानों में हो या फिर मरकज़ की तरफ से आन्ध्र प्रदेश को जो स्कीमें दी जाती हैं, उसका जायज हिस्सा नहीं मिल रहा है।

आज यहा तेलंगाना की बात निकली है। मैं साफ और वाज़ह अल्फाज में इस ऐवान के सामने कहना चाहूंगा कि तैलंगाना की जब बात आयी तो कांग्रेस और टीआरएस दोनों ने मुशतरह का इलैक्शन लड़ा और मुशतरह के इलैक्शन के मैनिफेस्टो में यह बात रखी कि यदि मरकज़ में हुकूमत बनती है तो दूसरा स्टेट रिआर्गेनाइजेशन कमीशन बनाया जाएगा। हम अपनी पार्टी की तरफ से मुतालबा करते हैं कि आप दूसरा स्टेट रिआर्गेनाइजेशन कमीशन बनाइए। तेलंगाना की पसमाइंदगी की जिम्मेदार कांग्रेस भी है, तेलगुदेशम भी है और अब टीआरएस भी बन चुकी है। अब टीआरएस तेलंगाना की बात करती है तो स्पीकर साहब यहां मुझे शायर का वह शेर याद आता है कि "घर को आग लगी, घर के चिराग से "। आज आपकी बुनियादें हिलकर रह गई हैं। अगर मेढक के एमपी साहब काम नहीं करते तो आप अब तक बिलकुल खत्म हो चुके थे। मगर तैलंगाना के मसले में हम चाहेंगे कि मुसलमानों की बात को सुना जाए। आप हम को रौंद कर हमारे मुस्तकबिल का फैसला नहीं कर सकते हैं। हमारा मुतालबा यह है कि दूसरा स्टेट रिआर्गेनाइजेशन कमीशन बनाया जाए।

तीसरी बात, हमारे तेलगुदेशम के पार्लियामानरी खायद ने छटी अंगुली का जिक्र किया। छटी अंगुली की बात यह तारीखी जुमला अदा किया गया था, कासूब्रह्मान रेड्डी की तरफ से जिस वक्त जैंटलमैन्स एग्रीमेंट सीक्स पाइंट फार्मुला पास किया गया था, वह यह बात कह रहा था कि तेलंगाना से एक शख्स को डिप्टी चीफ मिनिस्टर का ओहदा देना चाहिए। आपने नौ साल हुकूमत की, मगर आपने कभी छटी अंगुली का जिक्र नहीं किया मगर जब आज रियासत में कांग्रेस हुकूमत कर रही है और डिप्टी चीफ मिनिस्टर आपका नहीं है तो कम से कम अब आप तेलंगाना के साथ इंसाफ कीजिए।...(व्यवधान) मैं कन्कलूड कर रहा हूं, क्योंकि हमें यह बात कहनी जरूरी है। कानूनसाज काउंसिल की बात तब कही जाती है, जब तेलंगाना का जिक्र आता है। हमारे बुजुर्ग खायद कितने रंजीदा हैं, मुझे इस बात का अंदाजा है। मैं आपके जरिए हुकूमत से गुजारिश करना चाहूंगा कि आन्ध्र प्रदेश से इंसाफ कीजिए। आन्ध्र प्रदेश को जो खुसूसी मौकफ मिलना चाहिए, वह नहीं मिला है। सिर्फ आज कानूनसाज काउंसिल का बिल लाकर हमको नहीं बहला सकते हैं कि हमने जो वादा किया था, उसको पूरा कर रहे हैं, बल्कि हम तो यह कहेंगे कि जो और वादे किए गए थे, उसको पूरा कीजिए और उसके साथ ही साथ आन्ध्र प्रदेश को जो उसका जायज मुकाम मिलना चाहिए, वह आपको दिलाना पड़ेगा। रहा सवाल तेलंगाना का तो बगैर हमारी बात सुनें आप कोई फैसला नहीं कर सकते। हम आज भी इस बात को मानने को तैयार हैं कि आप दूसरा स्टेट रिआर्गेनाइजेशन कमीशन बनाइए,

हम अपनी बात अवाम के सामने रखेंगे। यह कहना गलत होगा कि दो मर्तबा तेलंगाना की आवाम ने फैसला दे दिया था[MSOffice67]।

आखिरी बात यह है कि कानूनसाज काउंसिल के सिलसिले में एन.टी. रामाराव ने इसको क्यों बर्खास्त किया क्योंकि उस वक्त कांग्रेस के लोग ज़रा-ज़रा थे। दोबारा इक्तिदार अगर कांग्रेस को मिला तो उस वक्त भी यह रेजल्यूशन पास किया गया था, मगर मरकज में नेशनल फ्रंट की हुकूमत थी। यह कांग्रेस काम नहीं कर रही है, बल्कि यूपीए की हुकूमत इस कानून को पास कर रही है। हमारे तेलगुदेशम पार्लियामानी के दोस्त से मैं कहना चाहूंगा कि एन.टी. रामाराव को यदि आप याद रखते हैं तो यह भी याद रखें कि किस तरह आपने उनको धोखा दिया, किस तरह से उनको आपने घर में बैठाया। सिर्फ ये बातें कहना कि एन.टी. रामाराव हमारे खायद थे, इसलिए हमने मुखालिफत की थी। यह तारीखी हकीकत है। इन्हीं जुमलों के साथ मैं अपनी बात खत्म करूंगा और तेलंगाना के मसले में आप बगैर तेलंगाना के मुसलमानों को ऐतमाद लिए आप हमारे मुस्तकबिल का फैसला नहीं कर सकते हैं।

सभापति महोदय : श्री एम.ए.के स्वाईं। ये लास्ट स्पीकर हैं और जल्दी ही खत्म करने वाले हैं।

...(व्यवधान)

श्री खारबेल स्वाईं (बालासोर) : नहीं सर, यदि जल्दी करना है तो मैं नहीं बोलूंगा।...(व्यवधान)

सभापति महोदय : आपकी पार्टी का टाइम एग़जास्ट हो चुका है। आपने रिक्वैस्ट की थी, इसलिए आपको बोलने का मौका दिया गया है।

...(व्यवधान)

श्री खारबेल स्वाईं : यदि यह बिल पास करना है, तो वैसे ही कर लीजिए, मैं नहीं बोलूंगा।...(व्यवधान)

सभापति महोदय : ठीक है, आपकी मर्जी है।

श्री खारबेल स्वाईं : धन्यवाद।

MR. CHAIRMAN: Please speak now. Please do not elaborate and try to take the minimum time.

SHRI KHARABELA SWAIN Sir, I was a bit reluctant to speak from the very beginning because my Party did not instruct me whether to support it or oppose it. But, as the debate unfolded, I thought it is very much required to take a principled stand on ethics. I will be fair to the Congress Party. I am not accusing them that they have any political motive in bringing this Bill. I am not saying this. Democracy is the art of persuasion. It is not the art of confrontation. I am not going to confront the Congress Party.

My moot point is, what is the purpose of bringing this Bill. Hon. Members Shri Mahtab and Shri Babu Rao have already said that there is hardly any Assembly in India which is sitting for 60 days in a year. The Notification is issued that the Assembly will sit up to a particular date. We have seen the Assembly getting adjourned even eight to ten days before the expiry of the Session because there is not enough business. In my own State, the Assembly was adjourned 11 days before the expiry of the Session because the Government said that there was not enough business to do. This is not the case only with Orissa but also with other States. … (*Interruptions*)

MR. CHAIRMAN: He is stating the facts of his own State. Why do you worry? Please address the Chair.

… (*Interruptions*)

SHRI KHARABELA SWAIN : When Shri Mohan Singh was speaking, he was comparing the Rajya Sabha with State Councils. Rajya Sabha is a body provided under the Constitution. I will show the difference between the Rajya Sabha and the State Councils. If there is a Constitution Amendment, the Rajya Sabha has got a say. The Rajya Sabha votes on that. But the State Councils do not have that power. They do not participate in the Constitution Amendment.

In the elections for the President and Vice President, it is the MLAs who vote and MLCs do not have the right to vote. That is why, I say that they do not have any financial power. It has got absolutely no constitutional power, no financial power. Then why should we have it?

I will give you another interesting example. In Madhya Pradesh, they built a very big chamber for the State Council[p68]. But later on, it was very strongly opposed, and this House was abandoned. Initially, they built it but then found that it was totally unnecessary.

Sir, see the way the debate unfolded. Many of the speakers said as to what was the purpose for which Andhra Pradesh should have a State Council. One was that they had promised it in the manifesto. But I would very humbly like to know from my friends in the Congress party that: Was it their main point in the election, to revive the State Council? Did people vote for them that when they come to power, they should have a State Council? Was the 'farmers' suicide' not the moot point? Was it not the main purpose for which they fought the election in Andhra Pradesh? Then, how do they say that 'for this purpose – to revive the State Council -- only, they had been voted by the people?

There was another very strong argument given by the Telangana Rashtriya Samiti (TRS) people that 'this is being created to facilitate the creation of Telangana Rashtra.' I am asking the hon. Members of the Congress party: "The purpose for which they are going to have the State Council?"

Sir, they say that various sections of the society should be represented. I would appeal to the hon. Law Minister that if he thinks that it is for the people who cannot come through the direct election, then just like in the Rajya Sabha, he should bring in a Constitution Amendment that in the Vidhan Sabhas, some people could be nominated. He may bring this Amendment so that people could be nominated to the Vidhan Sabhas also, instead of creating a Council.

To conclude, I would say that it is not in the national interest. I would appeal to the Congress party that please do not take it as a prestige issue. I would request the hon. Law Minister to kindly withdraw this Bill. Let there be a national debate on this issue for some more time. After two three months, in the next Budget Session, he may re-introduce this Bill. And in the meantime, since once it has been withdrawn from the Lok Sabha, it would definitely attract the attention of the nation, the TV channels and media; and they would debate over it. If there is a national consensus; if the nation feels: " Yes, there is a very much necessity and it is absolutely necessary to have the Council," then, it would be passed.

Sir, I know, they have got the majority in the House; they have summoned their people; hardly there is anybody on our side; and they will pass it. But the Left is opposed to it. Almost the whole NDA is opposing it… (*Interruptions*)

Since they have the majority, they could get it passed. I think, the Opposition has also got a view, and they should give credence to our view and to the view of the Left also because it is unnecessary; and it is going to put more pressure on the State exchequer. It is not at all required.

So, for these reasons, I would again appeal to the hon. Law Minister to withdraw this Bill, and if required, he could bring it later on.

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ):Mr. Chairman, Sir, I would thank all the hon. Members who have taken part in this debate. The scope of discussion of this Bill was very limited. But hon. Members have chosen to speak on diverse subjects; and this House is free to touch any point they like.

But primarily, what am I doing, Sir? Through this Bill, I am obeying the Resolution of the Andhra Pradesh Assembly because, the Constitution, under Article 169, provides that if the special majority of an Assembly of a State passes a Resolution, then Parliament may create or abolish a Legislative Council.

Sir, the leader of the Telugu Desam Party is present here. He referred to the 1985 Resolution regarding this Council. I was the Minister at that time also; and my good friend, late Shri N.T. Ramarao was the Chief Minister. He spoke to me personally. Although we had overwhelming strength of 425 MPs in the Lok Sabha who were opposed to it and our party was opposed to this because they wanted to continue with the Legislative Council. But the then Prime Minister, late Shri Rajiv Gandhi upheld the highest democratic tradition[k69].

In order to uphold the highest democratic traditions, we at that time in the Government, decided that the Andhra Pradesh people have chosen a Government which has a majority in the Assembly, we should implement it.... (*Interruptions*) I am very sorry. I am requesting the Members that we are here to debate and not to interfere. I am very sorry to say that a habit is being developed in the House that Members do not listen to constructive points. At this point of time I am making some submissions which remind me of some traditions. In 1985, I was the same Minister, we implemented the Resolution of the Andhra Pradesh Assembly. The same Assembly, which has been elected recently by the mandate of the people, wants a Legislative Council be created. I have already submitted in my preliminary remarks that I am not even accepting an amendment of that Resolution. We have never negatived the recommendation of a parliamentary standing committee. We want to uphold the highest traditions. Shri V.P. Singh Badnora, on the other side, spoke very rightly that we should uphold the traditions. The Legislative Assembly of a State has its own functions, its own sovereignty.

Being present in Parliament, we must understand well that the members of the Legislative Assembly have their own privilege and rights. They are sovereign in all the spheres allotted to them by the Constitution. It would be a sad day if we do not show respect to the assemblies of the States. Therefore, in order to maintain the quasi federal structure of this country, we should show respect to the States. If States resolve certain thing, in the rarest of the rare opportunities we should not show any disrespect.

SHRI M.P. VEERENDRA KUMAR (CALICUT): Kerala Assembly had passed a Resolution. They have passed so many resolutions unanimously. Have you ever considered them?… (*Interruptions*)

SHRI H.R. BHARDWAJ: I will reply to them. You please sit down. You are a young man. let us now listen to each other.

SHRI KHARABELA SWAIN : What about the Resolution passed by the Punjab Assembly?… (*Interruptions*)

SHRI H.R. BHARDWAJ: I may tell you that the Constitution provides for a federal structure and this Parliament has certain areas of constitutional competence and in areas where we do not have constitutional competence to legislate, it is the States which legislate. These areas have been divided. Once an Assembly has passed a Resolution, this Government is implementing that Resolution. The Government has decided to do that.

17.23 hrs. (Mr. Deputy-Speaker *in the Chair*)

So far as Punjab is concerned, I am myself a Punjabi. Punjab has seen so many changes. Punjab has been divided into Haryana and Punjab and some part has gone to Himachal. We have lost so much because of diverse thinking. When it was united we got PEPSU merged into Punjab. We have gained and lost also. What has happened in Punjab? The legislative council building which housed the Legislative Council is now the Assembly of Haryana. Can you do or undo what has happened? So, please do not argue about other States. Let us stick to this Bill.

In order to implement the Resolution of the Andhra Pradesh Assembly we have come before this House, and Constitution provides for it, to say that this Legislative Council be created. Members have said that this will incur expenditure. The expenditure has to be looked after by the State. There is an Assembly which will manage the expenditure. There is a Government to see that. It is not our worry. What will happen to the other difficulties which

Andhra Pradesh will face? There is an Assembly. There is a duly elected Government. So, we have nothing to worry about it. We are simply respecting the sentiments of the people of Andhra Pradesh. They have given a massive majority.… (*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : How many times you had shown respect to them in the past?… (*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down.

SHRI KHARABELA SWAIN : Will you please yield me for a minute?

SHRI H.R. BHARDWAJ: No, I am not yielding. Let us observe some elementary decorum. I am replying to the debate. I have listened fifteen hon. Members. You should at least listen to two points which I want to make before this House[R70].

MR. DEPUTY-SPEAKER: Shri Varkala Radhakrishnan, please sit down.

… (*Interruptions*)

SHRI KHARABELA SWAIN : Sir, in the parliamentary practice, I can, at least, request the hon. Minister to yield. If he does not yield, then it is a different matter. … (*Interruptions*)

SHRI H.R. BHARDWAJ: I am very sorry. This is not the etiquette of Parliament. … (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing is going to be recorded except the speech of the hon. Minister.

*(Interruptions) ...**

MR. DEPUTY-SPEAKER: Let the hon. Minister conclude.

… (*Interruptions*)

SHRI H.R. BHARDWAJ: Sir, I am not yielding. … (*Interruptions*) I told Shri Swain that I am not yielding. I am replying to the debate. … (*Interruptions*)

What I am saying is that there is nothing unusual in this. You can always speak for or against in a debate. Now, it is a simple question. In 1985 respecting the Resolution passed by the Andhra Pradesh Legislative Assembly, as the Law Minister then, I got it abolished. Today, I am moving this Bill to re-create the Legislative Council because this is the Resolution passed by the Assembly of that State. We are just implementing it. … (*Interruptions*)

We are implementing it in order to respect the sentiments of the people of the State. Let us not show disrespect to the people of Andhra Pradesh. Let us not take it lightly. So, I commend that this Bill be passed. … (*Interruptions*)

MR. DEPUTY-SPEAKER: Hon. Members, you can ask for clarifications one by one.

… (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing is going to be recorded.

*(Interruptions) ...**

SHRI KINJARAPU YERRANNAIDU : The hon. Minister has replied to the debate. He has shown a lot of respect to the Andhra Pradesh Legislative Assembly and to the people of Andhra Pradesh! This Resolution was not passed unanimously. The TDP has opposed it and the Members of the communist parties made a walk out. So, they have also not supported it.

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* Not Recorded.

The Andhra Pradesh Legislative Assembly passed a unanimous Resolution and forwarded it to the Government of India for categorisation. It is pending for more than one year. Why has the Government of India not given priority to this Resolution? It was passed unanimously by the Andhra Pradesh Legislative Assembly. That Resolution was sent to the Government of India to bring a legislation on that. That Resolution was sent before this Resolution. There is no respect for that Resolution. I just want to mention this to the hon. Minister. … (*Interruptions*)

MR. DEPUTY-SPEAKER: The question is:

> "That the Bill to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto, be taken into consideration. "

MR. DEPUTY-SPEAKER: Those in favour may please say 'Ayes. Those against may please say 'No'. I think, the 'Ayes' have it.

… (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU : Sir, I am pressing for division. … (*Interruptions*)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Mr. Deputy-Speaker, Sir, after you give a decision, division is not asked for. The division is asked for before adoption of the motion. It is not asked for after the adoption. … (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU : No, this is not the practice. You can go through the records. … (*Interruptions*) We should not bypass the Constitution. … (*Interruptions*) This is our constitutional right. … (*Interruptions*)

MR. DEPUTY-SPEAKER: All right. No doubt, you have a right to press for division. I agree with you. You can ask for division.

Let the lobbies be cleared--

Now, the Lobbies are cleared. Secretary-General to read the instructions.

SECRETARY-GENERAL: Kind attention of the hon. Members is invited to the following points in the operation of the Automatic Vote Recording System:-

1. Before a Division starts, every hon. Member should occupy his or her own seat and operate the system from that seat only.

2. As may kindly be seen, the "Red Bulbs above Display Boards" on either side of hon. Speaker's Chair are already glowing. This means the voting system has been activated.

3. For voting, please press the following two Buttons simultaneously immediately after sounding of first gong, viz.,

One “Red” Button in front of the hon. Member on the Head Phone Plate and

ALSO

Any one of the following Buttons fixed on the top of desk of seats.

AYES	-	GREEN COLOUR
NOES	-	RED COLOUR
ABSTAIN	-	YELLOW COLOUR

4. It is essential to keep both the Buttons pressed till the second gong sound is heard and the Red Bulbs are “OFF”.

The hon. Members may please note that the vote will not be registered if both Buttons are not kept pressed simultaneously till the sounding of the second gong.

5. Please do not press the amber Button (P) during Division.

6. Hon. Members can actually see their vote on Display Boards and on their desk unit.

7. In case vote is not registered, they may call for voting through slips[mks71].

MR. DEPUTY-SPEAKER: The question is:

“That the Bill to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto, be taken into consideration.”

The Lok Sabha divided:

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AYES **17.35 hrs.**

Aaron Rashid, Shri J.M.
Ahamed, Shri E.
Aiyar, Shri Mani Shankar
* Ansari, Shri Furkan
Athithan Dhanuskodi, Shri R.
Baalu, Shri T.R.
'Baba', Shri K.C. Singh
Bansal, Shri Pawan Kumar
* Bhakta, Shri Manoranjan
Bhuria, Shri Kanti Lal
Chaliha, Shri Kirip
Chander Kumar, Prof.
Chidambaram, Shri P.
Chitthan, Shri N.S.V.
Dasmunsi, Shri Priya Ranjan
Deo, Shri V. Kishore Chandra S.
Dev, Santosh Mohan
Dharavath , Shri Ravinder Naik
Dikshit, Shri Sandeep

* Voted through slip.

Dubey, Shri Chandra Shekhar

Elangovan, Shri E.V.K.S.
Fanthome, Shri Francis
Gaikwad, Shri Eknath Mahadeo
Gamang, Shri Giridhar
Goyal, Shri Surendra Prakash
Handique, Shri Bijoy
Harsha Kumar, Shri G.V.
Jai Prakash, Shri
Jagadeesan, Shrimati Subbulakshmi
Jogaiah, Shri Hari Rama
Kader Mohideen, Prof. K.M.
* Kerketta, Shrimati Sushila

Kharventhan, Shri S.K.
Krishnan, Dr. C.
Krishnaswamy, Shri A.
Kuppusami, Shri C.
Kyndiah, Shri P.R.
Lalu Prasad, Shri
Mcleod, Ms. Ingrid
Manjhi, Shri Rajesh Kumar
Maran, Shri Dayanidhi
Mehta, Shri Alok Kumar
Meinya, Dr. Thokchom
Mishra, Dr. Rajesh
Mukeem, Mohd.

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* Voted through slip.
Mukherjee, Shri Pranab
Naik, Shri A. Venkatesh
* Narendra, Shri A.
Ola, Shri Sis Ram
Oraon, Dr. Rameshwar
Owaisi, Shri Asaduddin
Panabaka Lakshmi, Shrimati
Patil, Shri Balasaheb Vikhe
Patil, Shri Jaysingrao Gaikwad
Patil, Shri Laxmanrao
Patil, Shrimati Suryakanta
Pilot, Shri Sachin
Raja, Shri A.
Rajenthiran, Shrimati M.S.K. Bhavani
Ramadass, Prof. M.
Ramakrishna, Shri Badiga
Rana, Shri Rabinder Kumar
Rao, Shri D. Vittal

Rao, Shri K.S.
Rao, Shri Rayapati Sambasiva
Reddy, Shri Anantha Venkatarami
Reddy, Shri K.J.S.P
Reddy, Shri M. Raja Mohan
Reddy, Shri Madhusudan
Reddy, Shri S.P.Y.
Regupathy, Shri S.

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* Voted through slip.
Sahu, Shri Chandra Sekhar
Sai Prathap, Shri A.
Satyanarayana, Shri Sarvey
Sayeda, Shrimati Rubab
Selvi, Shrimati V. Radhika
Shailendra Kumar, Shri
Shandil, Dr. Col. (Retd.) Dhani Ram
Singh, Chaudhary Bijendra
Singh, Dr. Raghuvansh Prasad
* Singh, Shri Mohan
Singh, Shrimati Pratibha
Sippiparai, Shri Ravichandran
Sugavanam, Shri E.G.
Sumbrui, Shri Bagun
Suryawanshi, Shri Narsingrao H.
* Thangkabalu, Shri K.V.
Thummar, Shri V. K.
Vaghela, Shri Shankar Sinh
Vallabhaneni, Shri Balashowry
Venkatapathy, Shri K.
Venkatswamy, Shri G.
Venugopal, Shri D.
Vinod Kumar, Shri B.

Vundavalli, Shri Aruna Kumar
Yadav, Dr. Karan Singh
* Voted through slip.

Yadav, Shri M Anjan Kumar
Yaskhi, Shri Madhu Goud

Noes

* Ahir, Shri Hansraj G.
Audikesavulu, Shri D.K.
Bellarmin, Shri A.V.
Dhotre, Shri Sanjay
Gao, Shri Tapir
Hamza, Shri T.K.
Jagannath, Dr. M.
Khanna, Shri Avinash Rai
Mahtab, Shri B.
* Mallikarjuniah, Shri S.
Mediyam, Dr. Babu Rao
Mohan, Shri P.
Naik, Shri Shripad Yesso
Nayak, Shrimati Archana
* Patasani, Dr. Prasanna Kumar
Paul, Dr. Sebastian
Rajendran, Shri P.
* Radhakrishnan, Shri Varkala
Rao, Shri P. Chalapathi

Rijiju, Shri Kiren
Satheedevi, Shrimati P
Satpathy, Shri Tathagata
Sujatha, Shrimati C.S.
Tripathi, Shri Chandra Mani
* Voted through slip.

Tripathy, Shri Braja Kishore
Veerendra Kumar, Shri M.P.
Waghmare, Shri Suresh
Yerrannaidu, Shri Kinjarapu

MR. DEPUTY-SPEAKER: Subject to correction * , the result of the division is:

Ayes: 93

Noes: 25

The motion was adopted.

MR. DEPUTY-SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

SHRI BRAJA KISHORE TRIPATHY (PURI): Sir, this is most undemocratic and unconstitutional. That is why, we are walking out.

17.36 hrs.

(At this stage, Shri Braja Kishore Tripathy and some other

hon. Members left the House.)

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* The following Members also recorded their votes through slips.

Ayes : 93+ Shri Manoranjan Bhakta, Shri K.V. Thangkabalu, Shri A. Narendra, Shrimati Sushila Kerketta, Shri Mohan Singh, Shri Furkan Ansari = 99

Noes : 25+Shri Varkala Radhakrishnan, Dr. Prasanna Kumar Patasani, Shri Hansraj G. Ahir, Shri S. Mallikarjuniah = 29

Clause 5

Amendment of

Section 15A ofAct 43 of 1951

Amendment made:

Page 2, line 35,--

for "2004"

substitute "2005" (3)

(Shri H.R. Bhardwaj)

MR. DEPUTY-SPEAKER: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 1 Short Litle

Amendment made:

Page 1, line 2,--

for "2004"

substitute "2005" (2)

(Shri H.R. Bhardwaj)

MR. DEPUTY-SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,--

for "Fifty-fifth

substitute "Fifty-sixth" (1)

(Shri H.R. Bhardwaj)

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill[R72].

TheLong Title was added to the Bill.

MR. DEPUTY-SPEAKER: The Minister may now move that the Bill, as amended, be passed.

SHRI H.R. BHARDWAJ : Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passsed. "

The motion was adopted.

MR. DEPUTY-SPEAKER: Lobbies be opened.

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